

KANAB CITY



UNIFORM ZONING ORDINANCE

Adopted January 22, 2008

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The Uniform Zoning Ordinance is designed to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Kanab, Utah.

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Section 1-1 Short Title

This Ordinance shall be known as the "Uniform Zoning Ordinance of the City of Kanab, Utah", and may be so cited and pleaded.

Section 1-2 Purpose

This Ordinance is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Kanab, Utah, including among other things, the controlling of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the rural atmosphere and other industries, and the protection of urban development.

Section 1-3 Interpretation

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum

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requirements for the purposes set forth.

Section 1-4 Conflict

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

Section 1-5 Effect on Previous Ordinances and Maps

The existing ordinance covering zoning, in their entirety and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the attached maps, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Ordinance, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

Section 1-6 Definitions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the word plot, or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other ordinance adopted by the local jurisdiction.

Accessory Use - A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Agriculture - The tilling of the soil, the raising of crops, horticulture and gardening, commercial greenhouses; breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, or similar uses.

Agricultural Industry or Business - An industry or business involving agricultural products in manufacturing, packaging, treatment, sales,

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intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the Planning Commission.

Airport - Any area of land designed and set aside for the landing and the taking off of aircraft plus aircraft storage and service.

Alley - A public access-way less than twenty-six (26) feet in width, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this ordinance.

Animals - Animals shall include the following: Horses, cows, sheep and goats, excluding pigs and exotic animals.

Architectural Projection - Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

Area - The area within a lot which is susceptible of use for construction, accessory or appurtenant use. The area to be considered as qualifying for lot area or minimum area shall not include (a) land which is separate from the area where the proposed building will occur by topographic division or physical boundary, (b) land which is not available for construction, accessory or appurtenant use by reason of slope, regular presence of water, geologic condition, soil conditions, or other such practical inhibitions to use, or (c) land which is not available for construction, accessory or appurtenant use by reason of legal restriction.

Automatic Car Wash - A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1 1/2) tons capacity.

Automobile Sales Area - An open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.

Automobile Service Station - A place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.

Average Percent of Slope - An expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart, measured on a horizontal plane is a one

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hundred (100) percent slope.

Basement - A story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where no more than one-half (1/2) of its floor-to-ceiling heights is above the average contract level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purpose of side-yard determination.

Basement House - A residential structure without a full story structure above grade.

Bed and Breakfast Inn - A building of residential design, in which the property owner personally resides, in which not fewer than one (1) but not more than (5) rooms are rented out by the day, for not more than four (4) guests per room, not to exceed fifteen (15) consecutive days per quest, offering overnight lodging and meal services to overnight guests.

Beginning of Construction - The placing of concrete footings for a building or structure.

Block - The land surrounded by streets or other rights-of-way, other than an alley, or land which is designed as a block on any recorded subdivision plat.

Boarding House - A dwelling where, for compensation, meals are provided for a least three (3) but not more than fifteen (15) persons.

Body and Fender Shop - A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders, and including rebuilding.

Buildable Area - The portion of a lot remaining after required yard setbacks have been established.

Building - Any structure used or intended to be used for the shelter, or enclosure of persons, animals, or property.

Building, Accessory - A building which is subordinate to, and the use of which is incidental to, that of the main building or use on the same lot.

Building Front - means the primary front entrance of a building as viewed from the public street to which it is orientated. The area of a building front is calculated as the height multiplied by the width of the primary front.

Building, Height of. The height of a building or structure is the vertical dimension measured from highest point on the exterior of the building or structure to the nearest point of finished grade.

Building Inspector - The official designated as the building inspector for the City of Kanab by the Kanab City Council. The Kanab City

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Building Inspector may also be the Kanab City Zoning Administrator, if so designated.

Campground - A public area designated by a public agency for camping, or a private area licensed by the City of Kanab for camping.

Camping - A temporary establishment of living facilities such as tents or recreational coaches as regulated by this City Ordinances.

Carport - A private garage not completely enclosed by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

Cellar - A room or rooms wholly under the surface of the ground, or having more than fifty (50) percent of its floor to ceiling height under the average level of the adjoining ground.

Child Nursery - An establishment for the care and/or the instruction of six (6) or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.

Church - A building, together with its accessory buildings and uses, maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.

Clinic, Dental or Medical - A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their profession. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

Club, Social - Any organization, group, or association supported by its members where the sole purpose is to render a service to said members and their guests.

Combination of Buildings - Two or more buildings that are on adjoining parcels as measured from the outside exterior walls of two of the buildings.

Common Ownership of Management - Owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly:

- a. by the same individual(s) or entity(ies) including but not limited to corporation(s) partnership(s) limited liability company(ies) or trust(s), or
- b. by different individuals or entities, including but not limited to corporations, partnership(s), limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent stockholder, director, member, officer or trustee of the entity(ies).

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Conditional Use - A use of land for which a conditional use permit is required, pursuant to this Ordinance.

Condominium - An ownership structure established in accordance with the Utah Condominium Act.

Corral - A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals or fowl.

Court - An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings.

Coverage, Building - The percent of the total site area covered by buildings.

Crosswalk or Walkway - A right-of-way to facilitate pedestrian access through a subdivision block; designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, at grade, or separated from vehicular traffic.

District - A portion of the territory of the City of Kanab, established as a zoning district by this Ordinance, various combinations thereof apply under the provisions of this Ordinance; also includes "overlay" and "zoning" districts.

Driveway - A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

Dwelling - Any building or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, hospital, or nursing home.

Dwelling, Mobile Home - (See "Mobile Home".)

Dwelling, Single-family - A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Dwelling, Two-family - A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

Dwelling, Three-family - A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.

Dwelling, Four-family - A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.

Dwelling, Multiple-family - A building arranged or designed to be occupied by more than four (4) families, the structure having more

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than four (4) dwelling units.

Dwelling, Group - A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

Dwelling, Unit - One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

Easement - That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on, or above said lot or lots.

Elderly Person - "Elderly person" means a person who is 60 years of age or older, desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

Essential Facilities - Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical sub-station or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.

Family - An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

Fence - A physical barrier to delineate, contain, or designate an area designed for a specific use i.e. an enclosure for a dwelling unit; and area for storage, (etc.).

Flag Lot - A lot which:

- a. meets the size, set back and other requirements of the zone in which the lot is located,
- b. does not have the frontage required, and
- c. has an extension owned in fee simple from the lot to a dedicated street. The extension shall be referred to as the staff portion of the flag lot.

Flood Hazard - A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Floor Area - The lower surface in a story on which one normally walks in a building. The general terms, floor unless otherwise specifically mentioned shall not refer to mezzanine floor or garage area.

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Frontage Block - All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Frontage, Lot - The lineal measurement of the front lot line.

Garage, Private - A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1 1/2) tons, and not including space for more than a total of four (4) such vehicles for each dwelling unit on the premises.

Garage, Repair - A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidental storage, care, washing or sale of automobiles.

Geological Hazard - A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.

Governing Body - The elected legislative body of the City of Kanab.

Grade, Existing - Shall mean sites which have never been disturbed, existing grade is the same as the natural grade, which is the ground level before any human disturbances. For sites that have existing structures or other disturbances to the land, existing grade would be the ground level established when the structure or disturbance was created. Recent earthwork, particularly if the grading is done without permits, will not necessarily qualify as existing grade and often requires a determination from the Zoning Administrator.

Grade, Finished - Shall mean the highest grade directly adjacent to within five (5) feet of the structure or wall of the building, which has been set through an approved grading and/or drainage plan. The term "finished grade" may also mean natural grade when no terrain alteration is proposed, or where otherwise applicable. Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to raise the finished floor elevations(s) for any other purpose, shall not be considered finished grade.

Gross Floor Area - The sum of:

- a. the total horizontal area, in square feet, of all floors of a building,

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as measured at outside the exterior walls and including all interior courtyards, and

- b. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of buildings and used for the display, storage, or sale of any goods, wares or merchandise.

Handicapped Person - A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

Home Occupation - Any use conducted entirely within a dwelling and carried on by solely persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The home occupation may use any accessory building and shall not use any yard space outside the main dwelling or accessory buildings.

Hospital - Institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums and clinics.

Hotel - A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are for compensation, lodged, with or without meals.

Household Pets - Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this Ordinance. Household pets shall not include the keeping of dangerous animals.

Interior Courtyard - A space bounded on three or more sides by walls but not a roof.

Junk - Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; dismantled, junked, or wrecked automobiles or parts thereof; and old or scrap ferrous or non-ferrous metal materials.

Junkyard - The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include

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such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

Kennel - Any premises where three (3) or more dogs or four (4) or more cats older than four (4) months old are kept.

Kennels, Private - Any kennel where three or more household pets are owned and kept by the owner on his/her private property.

Kennels, Public - Any kennel where household pets are boarded commercially.

Lane, Private - A thoroughfare upon land owned in fee simple or by way of an easement, upon which a lot has the frontage required by this Ordinance, which lane has been approved by the Planning Commission and City Council, as fulfilling the frontage requirements of this Ordinance.

Local Attorney - The attorney employed by or officially representing the City of Kanab.

Local Building Inspector - The Kanab City Building Inspector employed by or officially representing the City of Kanab.

Local Engineer - The engineer employed by or officially representing the City of Kanab.

Local Health Officer - The health officer or department employed by or officially representing the City of Kanab.

Local Jurisdiction - The City of Kanab.

Local Planner - The planner employed by or officially representing the City of Kanab.

Lodging House - A dwelling with not more than ten (10) guest rooms where, for compensation, lodging is provided for at least three (3) but not more than fifteen (15) persons, but not including motels or hotels.

Lot - A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three (3) or more smaller units.

Lot, Corner - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Depth - The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

Lot Lines - The property lines bounding the lot.

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Lot Line, Front - For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

Lot Line, Rear - Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the Kanab City Building Inspector shall designate the rear lot line.

Lot Line, Side - Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots in an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

Lot, Right-of-way - A strip of land of not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.

Manufactured Home - A manufactured home shall be a dwelling designed and manufactured by a recognizable fabricator of manufactured homes and be certified under the National Manufactured Housing Construction and Safety Standards Act of 1976, meet the HUD Code and must have been issued an insignia approved by HUD and must not have been altered in violation of such codes. It shall be a single family dwelling unit designed to be transported on its own wheels, on a trailer or on detachable wheels and shall include the plumbing, heating, air conditioning and electrical systems and be ready for occupancy except for connections to utilities, location on a permanent foundation and other minor work.

Mobile Home - A manufactured dwelling built to be moved on it's own wheels built prior to 1976 and not intended to be placed on a permanent foundation.

Mobile Home Park - A space designed and approved by the City of Kanab for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of the Kanab City Zoning Ordinance and the Kanab City Mobile Home Park Ordinance for mobile home park.

Mobile Home Space - A space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.

Mobile Home Subdivision - A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes.

Motel - A building or group of buildings for the drive-in accommodation of transient guest, comprising individual sleeping or living units, and designed and located to serve the motoring public.

Nonconforming Building or Structure - A building or a structure which does not conform to the regulations for height, coverage, or yards of

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the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

Nonconforming Use - The use of a building or structure or land which does not conform to use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.

Nursing Home - An institution, other than a hospital, for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" shall also include "rest home" and "convalescent home".

Official Map - A map which has been adopted as the official map of the City of Kanab, showing existing public streets, streets on plats of subdivisions which have been approved by the Kanab City Planning Commission, and/or other street extensions, widening, narrowing, or variations which have been accurately surveyed and definitely located.

Off-street Parking Space - The space required to park one (1) passenger vehicle, which space shall meet the requirements of this Ordinance.

Open Space - The area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of Planned Developments.

Open Space, Usable - The area of a lot which is completely free and unobstructed from any structure constructed on, over or below grade. Walkways, uncovered patio areas, light poles, other ornamental fixtures, trees, shrubs, other vegetation and equipment utilizing renewable energy resources may be allowed in open space areas.

Parking Lot - An open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

Planned District - A zoning district, the boundaries of which are to be shown on the Zoning Map, but the regulations for which shall be determined by a general development plan to be adopted by the governing body as part of the Kanab City Zoning Ordinance, after public hearing, as required for other zoning districts.

Plot Plan - A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing building or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the Kanab City Planning Commission.

Recreational Vehicle - A vehicle, such as a travel trailer, tent camper,

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camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.

Recreational Vehicle Park - Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one (1) or more owners or users of recreational vehicles. Such park may also be designated as "Overnight Park".

Recreational Vehicle Space - A plot of ground within a recreational vehicle park designated and intended for the accommodation of one (1) recreational vehicle.

Residential Facility for Handicapped Persons - Means a single-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a 24-hour per day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Department of Social Services, and is operated by or operated under contract with that department.

Residential Facility for Elderly Persons - Means a single-family or multiple-family dwelling unit that is:

- a. not operated as a business, and that is owned by one of the residents or by an immediate family member of one of the residents, or by an eleemosynary, charitable, or beneficial organization. For purposes of this definition, a facility for which the title has been placed in trust for a resident shall be considered to be owned by that resident.
- b. consistent with existing zoning of the desired location;
- c. occupied on a 24-hour per day basis by eight or fewer elderly persons in a family-type arrangement;
- d. in conformance with applicable standards of the Department of Social Services, and is licensed and inspected by that department; and
- e. a facility meeting the requirements of Utah Code Annotated section 10-9-501 et seq., and conforming with the applicable standards of the Utah department of human services, including licensure and inspection.

Residential Facility For Persons With A Disability - A facility meeting the requirements of Utah Code Annotated section 10-9-605 et seq., and complying with section 4-31 of this title (see section 4-31 of this title for applicable standards, requirements and definitions).

Retail Business - A business engaged in the sale of goods to

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individual consumers, usually in small quantities, and not to be placed in inventory for resale. Retail Business does not include:

- a. health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or
- b. a business where retail sales are in incidental or accessory use to the primary use.

This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

Retail Establishment - Retail business or businesses, conducted in two or more buildings, where the retail business or businesses:

- a. are engaged in the selling of similar or related goods, wares or merchandise and operate under common ownership or management, or
- b. share check stands, storage facilities, a warehouse, or a distribution facility, or
- c. otherwise operate as associated, integrated or cooperative business enterprises under common ownership or management.

Right-of-Way (Lot) - A strip of land not less than twenty (20) feet in width connecting a lot to a street for use as private access to that lot.

Semi Truck - "Semi Truck" is defined as any tractor trailer combination and is of the type commonly used for commercial transport purposes; "trailer", as used herein, refers to a carrier used for cargo or commercial purposes and intended to be used in tandem with a tractor. Semi Tractors have two front wheels, and each of the two rear "drive" axles having a pair of "dual" (double) wheels on each side. Thus, the most common configuration of tractor has ten wheels. The cargo trailer usually has two "tandem" axles at the rear, each of which has dual wheels or eight wheels on the trailer and the overall lengths often range from 50 to 70 feet.

Sign - A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Sign, Animated - A sign which involves motion or rotation of any part, created by artificial means, or which displays flashing, revolving or intermittent lights.

Sign Area - The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one (1)

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exposed exterior surface. Should the sign have more than one (1) surface, the sign area shall be the aggregate of all surfaces measured as above which can be seen from any one (1) direction at one (1) time.

Sign, Free-standing - A sign which is supported by one (1) or more upright columns, poles, or braces, in or upon the ground.

Sign, Identification and Information - A sign displayed to indicate the name or nature of a building, or of a use.

Sign, Illuminated - A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

Sign, Marquee - Any sign attached to or made an integral part of a marquee.

Sign Ordinance - The sign ordinance of the City of Kanab.

Sign, Projecting Wall - A sign which is affixed to an exterior wall or building or structure and which projects more than eighteen (18) inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

Site Plan - A plan required by providing the information required by, ordinance.

Stable, Public - Any stable where horses are boarded and/or kept for hire.

Story, Half - A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls do not extend more than four (4) feet above the floor of such story, and the ceiling area of which does not exceed two-thirds (2/3) of the floor area of the same half story.

Structure - Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building".

Street, Dedicated - A street which has been dedicated to public use and accepted by the appropriate authority, according to law.

Street, Private - A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted design standards of Kanab City and maintained by the landowners within the subdivision by assessments authorized by recorded covenant.

Street, Publicly Approved - A street in a subdivision where a dedication is technically not complete, but approval by the City has

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been given to the recording of the subdivision plat. This is the case in a subdivision in which improvements are not completed but in which a developer has posted a bond to ensure the completion of street improvements.

Strip Mall - A shopping complex containing a row of various stores, businesses, and restaurants that are interconnected and usually open onto a common parking lot.

Truck Stop - "Truck Stop" is defined as a commercial business consisting of one or more of the following: filling station, a convenience store, semi-truck repair shop, restaurant and has a large enough parking area to accommodate semi-trucks and other heavy vehicles.

Vicinity Plan - A map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within three hundred (300) feet of the property proposed for development.

Yard - A required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

Yard, Front - A space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear - A space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side - A space on the same lot with a building, between the side line of the building, and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

Zone - (See "District")

Zoning Ordinance - The Kanab City Zoning Ordinance.

Zoning Administrator - The local official designated by the Kanab City Council to enforce the regulations of this Ordinance; the Kanab City Zoning Administrator may also be the Kanab City Building Inspector.

Section 1-7 Building Permit Required

1. The construction, alteration, repair, or removal of any building,

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structure, or part thereof as provided or as restricted in this Ordinance shall not be commenced or continued except after the issuance of a building permit by the Kanab City Zoning Administrator and a written permit from the Kanab City Building Inspector. Work not started within six (6) months will require a new permit.

2. Subdivision restrictive covenants for architectural control shall be enforced on a private basis by those entities having the proper enforcement powers. The City will, cooperate with private homeowners associations and architectural control boards to allow for their review of plans before building permits are issued.

3. A homeowners association or architectural review board with powers established by restrictive covenant shall provide the name of a representative and the representative's address to the Building Inspector, together with certified copies of the recorded restrictive covenants and the subdivision plat. When an application for building permit is made within a subdivision area which is thus registered with the Building Inspector, the applicant must first obtain a stamp of approval on his plans from the appropriate association or board before a permit will be issued. If application is made for a building permit without approval (or after denial) of such plans by the association or board, the Building Inspector will cause to be mailed a written notice to the board or association. If the board or association does not file a civil action to restrain or enjoin construction of issuance of the permit after two calendar weeks have passed from the date the notice was sent by the City, then the permit shall be issued.

4. No homeowners association or control board shall be entitled to City cooperation under this ordinance unless registered as herein provided.

Section 1-8 Occupancy Permit Required

Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued by a Kanab City building inspector to the effect that the use, building or premises will conform to provisions of this and related ordinances prior to occupancy, for any building erected, enlarged or altered structurally, or the occupancy, or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this amendment, including nonconforming buildings and uses. A final inspection will not be performed, and an occupancy permit will not be issued, until after the approved requirements of the site plan are met.

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Section 1-9 Site Plans Required

A detailed site plan, with scale & sheet size determined by the Kanab City Planning Commission or the Kanab City Zoning Administrator, when authorized, shall be filed as part of any application, prior to request for a zoning permit. It shall show, where pertinent:

1. Scale of plan, and direction of north point.
2. Lot lines, adjacent streets, roads, rights-of-ways.
3. Location of all existing structures on subject property and adjoining properties, with utility lines, poles, etc., fully dimensioned.
4. Location of proposed construction and improvements, with location and dimension of all signs.
5. Any parking lot to be built new or re-modeled must be built to plan, have proper drainage, and must have a building permit. Building permit fee shall be determined by the Kanab City Council.
6. Motor vehicle access, circulation patterns, with individual parking stalls, and curb, gutter, and sidewalk location.
7. Necessary explanatory notes.
8. Name, address, telephone number of builder and owner.
9. A landscaping plan, according to the requirements found in city code.
10. All other information required as determined by the Kanab City Planning Commission or the Kanab City Zoning Administrator when authorized.

Section 1-10 Inspection

The Kanab City building inspector is authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect land uses to determine compliance with zoning ordinance provisions. The Kanab City building inspector or any authorized employee of the City of Kanab shall use the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with the said ordinance, provided that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without written permission of an owner, or written order of a court of competent jurisdiction.

Section 1-11 Enforcement

The Kanab City Zoning Administrator is authorized as the enforcing officer for this Ordinance, and shall enforce all provisions, entering actions in court if necessary, and his failure to do so shall not legalize

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any violations of such provisions. The Kanab City Council may, by resolution or ordinance, from time to time entrust administration of this Ordinance, in whole or in part, to another officer of the City of Kanab, without amendment to this Ordinance.

Section 1-12 Nuisance and abatement

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the local attorney shall, upon request of the governing body, at once commence action or proceedings for abatement and removal or enjoinder thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

Section 1-13 Penalties

Any person, firm or corporation (as principal, agent, employee or otherwise) violating, causing, or permitting violation of the provisions of this Ordinance shall be guilty of a misdemeanor, and punishable as provided by law. Such person, firm, or corporation intentionally violating this Ordinance shall be deemed to be guilty of a separate offense for each day during which any portion of any violation of this Ordinance is permitted or continued by such person, firm, or corporation, shall be punishable as herein provided.

Section 1-14 Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such holding shall not effect the validity of the remaining portion of this Ordinance.

Section 1-15 General Plan

The document entitled "Kanab General Plan," as adopted on March, 13, 2007 and subsequently amended, is hereby adopted as the General Plan for the City.

1. Plan Preparation: It shall be the duty of the Planning Commission to formulate, prepare and adopt a General Plan for the physical development and beautification of the City, pursuant to Utah Code Annotated. Before recommending to the City Council the General Plan, the commission shall hold public hearings on the plan within the City in conformance with Utah Code Annotated.

2. Submission To City Council: The commission, after completing the General Plan, shall submit said plan, with the accompanying

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maps, plats, charts and descriptive and explanatory matter, together with the detailed recommendations of the commission for the carrying out of the General Plan, to the City Council for its approval.

3. Amendment of Plan: The City Council may amend the General Plan, including land use maps, by following the procedures required by Utah Code Annotated.

Section 1-16 Effect of the General Plan on Public Uses

1. Any structure, park or other public way, ground, place, or space, publicly owned building or structure, public utility, whether publicly or privately owned, shall:

- a. Conform to the General Plan; and
- b. Be considered by the Planning Commission and after receiving the advice of the Planning Commission; be approved by the City Council as an amendment to the General Plan.
- c. Before accepting widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the City Council shall submit the proposal to the Planning Commission for its review and recommendations. If the City Council approved any of the items in this subsection, it shall also amend the General Plan to reflect the change.

Section 1-17 Zoning Amendments

1. The City Council may, from time to time, on its own motion or pursuant to an application, amend the number, shape, boundaries or area of any zoning district, or any regulation of or within any zoning district or any other provisions of the zoning ordinances. Any such proposed amendments shall first be submitted to the Planning Commission for recommendations. Zoning amendments approved, or receiving a recommendation other than disapproval by the Planning Commission, will be considered by the City Council as provided in this Section. Applications disapproved by the Planning Commission shall not be considered by the City Council except upon written request by the applicant to the City Council, as provided in this Section.

2. Before finally adopting any amendment recommended or approved by the Planning Commission, the City Council may hold a public hearing.

- (a) The City Council shall provide reasonable notice before the date of the hearing.

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(b) The City Council, after hearing and review of the recommendation of the Planning Commission, may;

- (i) Adopt the zoning ordinance as proposed; or
- (ii) Amend the zoning ordinance and adopt or reject the zoning ordinance as recommended by the Planning Commission; or
- (iii) Reject the ordinance.

3. Any zoning amendments disapproved by the Planning Commission may be considered by the City Council upon a filing, in writing, by the applicant, of a Notice of Application with the City Recorder within 10 days after the final decision denying the zoning amendments is made by the Planning Commission. Such notice shall set forth in detail the action and grounds upon which the applicant is aggrieved by the decision of the Planning Commission. After receiving the notice, a date for a hearing shall be set and notice given pursuant to the provisions of this Section.

4. Disapproval of a zoning amendment application shall preclude the filing of another application to rezone the same parcel of property, or any portion thereof to the same zone classification within one year of the date of the final disapproval of the application, unless the Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within one-year time period. If the Applicant feels there has been substantial change in circumstances, or sufficient new evidence, a letter requesting reconsideration of the application must be submitted to the Planning Commission setting forth the basis for the request. No appeal may be taken from a Planning Commission decision rendered pursuant to this subsection.

Section 1-18 Temporary Regulations

1. The City Council may, without a public hearing, enact ordinances establishing temporary zoning regulations for any part or all of the areas within the City if the City Council makes a finding of compelling, countervailing public interest.

2. The temporary zoning regulation may prohibit, or regulate the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval.

3. The City Council shall establish a period of limited effect for the ordinance not to exceed six months.

Section 1-19 Annexation

1. The City Council may assign a zoning designation to territory annexed to the City at the time the territory is annexed.

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2. If the City Council does not assign a zone to a territory at the time it is annexed, the territory annexed to the City shall be a zone of the City with which it has the longest common boundary.

Section 1-20 Licensing

All departments and public employees of the City of Kanab which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance and any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

Section 1-21 Fees and Deposits

Fees and deposits will be charged to applicants for items such as building, zoning, and conditional use permits, and Planned Development approval, Kanab City Planning Commission and Kanab City Appeals Officer hearing, and such other services as are required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the City of Kanab and be in amounts reasonably needed to defray costs to the public. See Fee Schedule (Exhibit I) for a complete list of fees. Additional deposits will be required when initial deposits are fully expended. Any unused portion of deposits will be refunded to applicant upon completion of the project.

Chapter 2

PLANNING COMMISSION

**An ordinance
which provides
for the powers
and duties of the
Kanab City
Planning
Commission.**

Adopted January 22, 2008

CITY OF KANAB

Uniform Zoning Ordinance

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Section 2-1 Creation, Members and Appointment

The Kanab City Planning Commission shall consist of eight (8) members, each to be appointed by the Kanab Mayor with the advise and consent of the Kanab City Council. The Kanab City Council may designate, by resolution, the composition of the Kanab City Planning Commission. It is the intent of this Ordinance that the Kanab City Planning Commission not consist of members, all of whom are from the same field of expertise. The eight (8) members of the Kanab City Planning Commission shall be residents of Kanab City and owners of property within said city. One of the members of the Planning Commission shall be a member of the Kanab City Council, who shall act as a liaison between the Kanab City Planning Commission.

Section 2-2 Terms of Office

The terms of office for the eight (8) Kanab City Planning Commission members who are not members of the Kanab City Council shall be for four (4) years. The Kanab City Planning Commission members' terms shall be staggered so that no more than two (2) members' terms shall expire at the same time. The term of the office for the Kanab City Council member designated as liaison for the Kanab City Planning Commission shall correspond to his tenure of office as Kanab City Council member, and to his appointment as liaison with the Kanab City Planning Commission.

Section 2-3 Alternate Members

The Kanab Mayor shall, with the advice and consent of the Kanab City Council, appoint one or two (2) alternate members of the Planning Commission, who shall serve in the absence of a member or members of the planning commission under rules established by the Planning Commission. Except as just provided, alternate members shall be appointed and serve as described in Sections 2-2 and 2-3.

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PLANNING COMMISSION

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Section 2-4 Vacancies and Removals for Cause

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the Kanab City Council. The Kanab City Council shall have the right to remove any member of the Kanab City Planning Commission for misconduct and may remove any member for non-performance of duty. Non-performance of duty shall include a repeated failure to attend Kanab City Planning Commission meetings.

Section 2-5 Compensation

The Kanab City Planning Commission shall serve without compensation, except that the Kanab City Council shall provide for reimbursement of the Kanab City Planning Commission for actual expenses incurred, upon presentation of proper receipts and vouchers.

Section 2-6 Officers

The Kanab City Planning Commission shall elect a Chairman and a Chairman Elect from among its members, whose terms in such offices shall be for one (1) year. The Kanab City Planning Commission Chairman shall vote only in the case of a tie. The Chairman Elect shall be a member of the Planning Commission, and at the end of his or her term as Chairman Elect shall become Chairman unless the Kanab City Planning Commission shall vote otherwise. In the absence of the Chairman, the Chairman Elect shall serve as Chairman Pro-Tem.

Section 2-7 Rules and Procedures

The Kanab City Planning Commission may adopt such rules and procedures as it may deem necessary for the proper conduct of its business. The Kanab City Planning Commission shall keep a record of its proceedings, such record shall be open to inspection by the public at all reasonable times.

Section 2-8 Quorum and Vote

A quorum shall consist of four (4) members and a Chairman or Chairman Pro-Tem. Evidence shall not be presented unless a quorum is present. A majority vote shall be constituted of at least a majority of members present.

Section 2-9 Employees; Expenditures

The Kanab City Planning Commission may, upon the approval of the Kanab City Council, employ experts and staff, including consultants and a secretary, and pay such expenses, exclusive of gifts, as may be reasonable and necessary for carrying out the duties defined in this Ordinance, providing that such expenditures may not exceed the

Chapter 2

PLANNING COMMISSION

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amount appropriated for the operation of the Kanab City Planning Commission by the Kanab City Council.

Chapter 3

APPEALS OFFICER

**An ordinance
which provides
for the powers
and duties of the
Kanab City
Appeals Officer.**

Adopted January 22, 2008

CITY OF KANAB

Uniform Zoning Ordinance

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Section 3-1 Appointment, Term and Removal

The Kanab City Appeals Officer shall be appointed by the legislative body for the term of three (3) years provided and until a successor has been appointed. The Appeals Officer may be removed for cause by a majority vote of the City Council following a public hearing.

Section 3-2 Appeals

Appeal may be made to the Appeals Officer of the City, the applicant, or any other person or entity adversely affected by a zoning decision administering or interpreting a zoning ordinance. All appeals shall be made as follows:

1. The appeal shall be made within 10 days of the action or decision being appealed from by filing a notice of appeal with the Appeals Officer at the Kanab City Office. The applicant of the appeal shall pay a fee of \$150 when the notice of appeal is filed.
2. The notice of appeal shall specify the grounds for the appeal and circumstances related thereto. The notice shall allege that there was error in the order, requirement, decision, or determination made by an official or officials in the administration or interpretation of the zoning ordinance. A notice failing to allege such error or specify the grounds for appeal or failure to pay the appeal fee may be summarily dismissed by the Appeals Officer with or without prejudice. Response to the above requirements shall be set forth in detail in the notice of appeal. The person or entity making the appeal shall have the burden of proving that an error has been made.
3. All papers constituting the record upon which the action appealed from was made shall be transmitted to the Appeals Officer.
4. The Appeals Officer shall set the appeal for hearing to be held within a reasonable time from the date the appeal is received. Written notice of the date set for hearing the appeal shall be mailed to the

Chapter 3

APPEALS OFFICER

applicant at least seven days before the appeal hearing date. After hearing the appeal, the Appeals Officer may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer or body from which the appeal is made.

5. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Appeals Officer. Said stay shall exist unless the Planning Commission or Zoning Administrator certifies to the Appeals Officer, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, the stay would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Appeals Officer or by District Court on application, notice and due cause shown.

6. The decision of the Appeals Officer shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, planning commission or agency or to decide in favor of the appellant.

7. The City, or any person adversely affected by any decision of the Appeals Officer, may petition the district court for a review of the decision, provided the petition is filed with the Court within 30 days after the Appeals Officer's decision is final. In the petition, the appealing party may only allege that the Appeals Officer's decision was arbitrary, capricious, or illegal. The Appeals Officer may, after finding that it is in the best interest of the City to do so, stay its decision pending district court review.

Section 3-3 Variances

1. Definition. A variance is a device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape, or topographical conditions of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to reduce financial difficulties.

2. Variance Criteria. Unless otherwise provided in this Title, the Appeals Officer may grant a variance from the requirements of any provision of the zoning ordinance to the extent that such a grant shall be consistent with the provisions of this Section. Notwithstanding, the spirit of this Title must be observed and substantial justice done. Further, a previous variance can never set a precedent. Each case must be considered only on its individual merits. The Appeals Officer may grant a variance only if:

- a. Literal enforcement of the zoning ordinance would

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cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance; and

b. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district; and

c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district; and

d. The granting of the variance will not substantially affect the general plan and will not be contrary to the public interest; and

e. The spirit of the zoning ordinance is observed and substantial justice done.

3. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under this section, the Appeals Officer may not find an unreasonable hardship unless the alleged hardship:

a. Is located on or associated with the property for which the variance is sought; and

b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

4. In determining whether or not enforcement of the zoning ordinances would cause unreasonable hardship under this section, the Appeals Officer may not find unreasonable hardship if the hardship is self-imposed or economic.

5. In determining whether or not there are special circumstances attached to the property under this section, the Appeals Officer may find that special circumstances exist only if the special circumstances:

a. Relate to the hardship complained of; and

b. Deprive the property of privileges granted to other properties in the same district.

6. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

7. Variances, once granted, shall run with the land.

8. Use variances may not be granted by the Appeals Officer or any other body.

9. In granting a variance, the Appeals Officer may impose additional requirements on the applicant that will:

a. Mitigate any harmful affects of the variance; or

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- b. Serve the same or similar purpose of the standard or requirement that is waived or modified.

Section 3-4 Meetings

Meetings of the Kanab City Appeals Officer shall be held as the officer may determine. The Appeals Officer may administer oaths and compel the attendance of witnesses. All meetings of the Kanab City Appeals Officer shall be open to the public.

Section 3-5 Minutes

The Kanab City Appeals Officer shall keep minutes of meeting proceedings, and shall keep records of examinations and other official actions, all of which shall be filed with the Kanab City Clerk and shall be public record.

Section 3-6 Action to be Taken

Approval or disapproval, rejection, or modified approval of an application shall be based upon findings which shall be made a part of the official record.

Section 3-7 Decision on Appeal

In exercising the above-mentioned powers, the Kanab City Appeals Officer may in conformity with the provisions of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such other, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Section 3-8 Rules

The Kanab City Appeals Officer shall adopt rules for the regulation of procedure and the conduct of duties not inconsistent with the provisions of this Ordinance or of State law. Such rules, to become effective, shall be first approved by the City of Kanab.

Chapter 4

SUPPLEMENTARY REGULATIONS

**An ordinance
which provides
various
development
regulations
which impact
most uses and
zones.**

Adopted January 22, 2008

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Uniform Zoning Ordinance

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Section 4-1 Substandard Lots at Time of Ordinance Passage

Any lot legally held in separate ownership at the time of passage of this Ordinance, which lot is below the requirements for lot area or lot width for the District in which it is located may be used for a single-family dwelling if such lot is located in a district which permits single-family dwellings. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same

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percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two (2) yards be less than five (5) feet or the total width of the two (2) yards be less than thirteen (13) feet.

Section 4-2 Lot Standards

Except as provided in this Ordinance, every lot, existing or intended to be created, shall have such area, width, and depth as is required by this Ordinance for the district in which such lot is located and shall have frontage upon a dedicated street, public street, private street, or private lane, before a building permit may be issued.

Section 4-3 Cul-de-Sac Lot Frontage Requirements

Lots in an approved subdivision which front on a cul-de-sac, shall be deemed to have been approved for construction with the frontage as shown on the plat and shall be required to meet frontage requirements of the zone in which they are located, at the required front yard setback.

Section 4-4 Every Dwelling to be on a Lot - Exceptions

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage on a city street as required by this Ordinance for the district in which the dwelling structure is located, except that group dwellings, cluster dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Ordinance and have approval from the Kanab City Planning Commission, may occupy one (1) lot for each such multi-structure complex.

Section 4-5 Yard Space for One Building Only

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

Section 4-6 Residential Occupancy Regulations

Purpose: Over-occupancy of dwelling units creates health and safety dangers to home occupants and their neighbors. These dangers include fire hazards, spread of disease to occupants and the general population, an opportunity for domestic violence and abuse, effects to mental health and other adverse impacts on the peace, comfort, and safety of residents. To protect against these dangers, the City established regulations limiting the number of occupants in a

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residence. These regulations are intended to ensure a good living environment in residential neighborhoods and reduce vehicle congestion, noise and overwhelming of public utilities. In general the limitations are based on the size of the house, the size and number of bedrooms, the relationships of the residents, and fire safety standards. Failure to comply with any portion of these requirements constitutes a violation of legal occupancy allowances.

1. **Occupancy Standards Based on the Size of the Residence.**

The City limits the number of adult occupants in a house based upon the size of the entire dwelling unit. The following table outlines these limits for each dwelling units.

Livable Floor Area of Dwelling Unit (in square feet)	Maximum Numbers of Adult Occupants*
720 to 1,000	4 adult occupants
1,000 to 1,200	4 adult occupants
1,201 to 1,750	5 related adult occupants
1,751 to 2,400	6 related adult occupants
2,401 to 3,150	7 related adult occupants
3,151 to 4,000	8 related adult occupants
4,001 to 4,500	9 related adult occupants
4,501 to 5,000	10 related adult occupants
* <i>Adult Occupant</i> means any individual 18 years of age or older, living or sleeping in a building, or having possession of space within a building.	

In a condominium or apartment the number of adults allowed is calculated by taking the square footage of the unit and dividing by 200. The result gives the number of adults who may live in that unit according to this standard (e.g., 4 adults are allowed in a 1000 square foot unit, though the standards of Section 2 will likely reduce the number allowed).

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2. Occupancy Standards for Bedrooms:

One occupant - requires at least 70 square feet of floor area.

Two or more occupants - at least 50 square feet of floor area per person.

Bedroom Size (square feet)	Maximum Number of Occupants per Room*
70	1
100	2
150	3
200	4
*Number of Occupants includes adults and children	

Required Bedroom Area

An Example: Applying the Standards in a Single Family Dwelling.

Suppose you live in a townhouse with livable floor area of 1,325 square feet and three bedrooms measuring 85, 108 and 156 square feet.

To figure out the number of people who can live in your home, calculate how many people are allowed based on the tables in Sections 1 and 2 and then confirm the relationships allowed in Section 3. The standards in Section 1 (based on the size of the residence) permit five related adult occupants plus all related (based on the size of the residence) permit five related adult occupants plus all related children.

The occupancy standards in Section 2 (bedroom size) allow six related persons (1 in the 85 square foot bedroom, 2 in the 108 square foot bedroom and 3 in the 156 square foot bedroom). The maximum number of people permitted in the residence must conform to the limits of both standards. Thus, this unit could house six persons, but not more than five adults may live there. Please note that if more than four persons live in the residence, they must all be related (Section 3).

3. Relationship of Occupants.

Residential dwellings may be occupied by any one of the following groups of persons or types of families:

- a. Persons who are all related to one another by blood, marriage, or adoption. This includes husbands, wives, parents, children, grandparents, grandchildren, brothers, sisters, aunts, uncles, nephews, nieces, and first cousins, including "step" or "half" such relationships, as demonstrated

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by official public records such as drivers' licenses, birth or marriage certificates. (Subject to building and bedroom size regulations).

b. Up to four persons who are not all related to one another by blood, marriage, or adoption.

c. Two unrelated persons and any children related to either of them.

d. No more than eight persons who are residents of a group home as defined within the Code of Utah, or who are handicapped as defined in the Fair Housing Act.

e. Additionally, up to two persons who may be servants, live-in companions to the elderly or disabled, or "au-pair" employees may occupy the residence in addition to members of the family as defined above, EXCEPT a family as described in 3b above.

Section 4-7 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.

Section 4-8 Minimum Lot Size Required for Subdivision

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be subdivided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

Section 4-9 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky, unobstructed except for trees, vegetation, accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than two and one-half (2 ½) feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet.

Section 4-10 Area of Accessory Buildings

1. No accessory building or group of accessory buildings in any residential district shall cover more than twenty-five (25) percent of the rear yard.

2. No building which is accessory to a single-family or multi-

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family dwelling shall be erected to a height greater than twenty-five (25) feet.

3. Accessory buildings shall not have fluorescent or metallic colors on the exterior of any structure.

4. Accessory building: All accessory buildings with the exception of private garages and guest houses shall be located at the rear of the primary residence and shall have rear yard and side yard setbacks as required by the Zoning Ordinance. Accessory buildings shall not be built over dedicated easements or septic systems.

5. Private Garages and Guest Houses: Shall have the same architecture, color scheme, materials and not be greater in height than the primary residential building if located in the side yard of the primary residence. The square footage of the garage or guesthouse shall not be greater than fifty (50) percent of the area of the main floor of the primary residence.

6. Cargo or other similar storage containers may be approved as an accessory building based on the following criteria:

- a. Installation of appropriate fencing or other screening.
- b. Painted with color scheme similar to the primary residence.

Section 4-11 Building Height Calculation

The height of a building or structure is the vertical dimension measured from the highest point on the exterior of the building or structure to the nearest point of finished grade. For purposes of measuring height, finished grade shall mean the highest grade within five (5) feet of the structure or wall of the building, which has a grading and/or drainage plan approved. The term "finished grade" may also mean natural grade when no terrain alteration is proposed, or where otherwise applicable.

Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to raise the finished floor elevations(s) for any other purpose, shall not be considered finished grade. No part of any building or structure may exceed the Maximum structural Height allowed in a specific zoning district except as allowed in section 4-12.

On sloping building sites, no part of any building or structure shall exceed the Maximum Height as measured from the highest point on the exterior of the building or structure to the nearest point of finished grade except as allowed in section 4-12, nor shall the height of the building or structure facing the downhill side, as measured from the highest point of the building or structure to the lowest point of finished grade on the downhill side, exceed 125% of Maximum Height. See Exhibit "D" for diagrams.

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Section 4-12 Exceptions to Building Height Limitations

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers or other architectural features, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space. All height exceptions listed in this section are subject to a conditional use permit.

Section 4-13 Minimum Height of Main Buildings

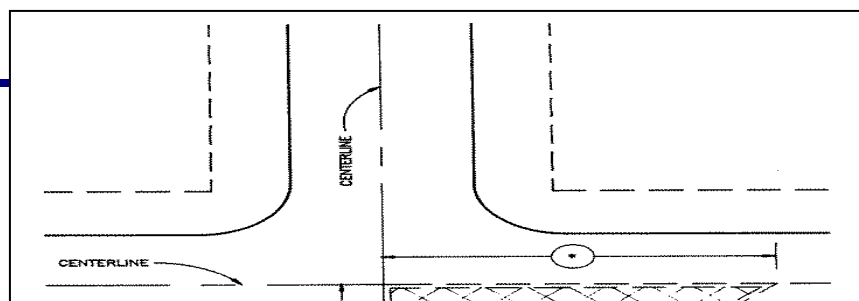
No dwelling shall be erected to a height less than one (1) story above grade. An underground dwelling designed with full front exposure may be approved by the Planning Commission if it meets the appropriate building codes.

Section 4-14 Maximum Height of Accessory Buildings

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than twenty five (25) feet.

Section 4-15 Clear View of Intersecting Street

1. At every intersection there shall be a triangular area (shown in figure 1 of this section) deemed to be a clear sight triangle. The clear sight triangle shall be determined by the intersecting centerlines and a diagonal line connecting the two points, one at each centerline. The length of each centerline shall be determined as follows: seventy-five (75') feet from the intersection of such centerlines for a street with a **local** classification; one hundred (100') feet from the intersection of such centerlines for a street with an **collector** classification; and, one hundred fifty (150') feet from the intersection of such centerlines for a street with an **arterial** classification.
2. In residential and commercial districts, a clear unobstructed vision at the corners of intersecting streets shall be maintained between the height of two (2) feet and seven (7) feet above the established elevation at the intersecting property lines nearest the corner.



Adopted January 22, 2008

Figure 1 - Clear View of Intersecting Street

Section 4-16 Maximum Height of Fences, Walls, and Hedges

1. A building permit is required for construction of all fences, walls and hedges in order to insure that the construction meets the current building codes for safety and suitability.
2. Fences and walls may be erected to a height of, but may not exceed, except by Conditional Use Permit, eight (8) feet when located within the buildable area.
3. Within the triangle formed as required in Paragraph 4-15. Opaque fences shall be limited to two feet in height and other fences shall be limited to 48 inches in height and have 70% visibility factor. Front and side street side yard fences outside the triangle shall be limited to 48 inches in height and may be a complete barrier to view: e.g., a 0% visibility factor when the fence is adjacent to a sidewalk.
4. A 72 inch fence may be allowed from the front of home to the back of the property line when the following conditions are met: (a) the fence is not adjacent to a sidewalk (b) where the roadway is within a 99 ft. easement (c) where there is at least 30 ft. of distance between the fence and the paved portion of the street and (d) the Building Inspector shall require that at the corners of said lots which are adjacent to the street there shall be a clear view triangle area of not less than 8 ft. by 8 ft. wherein the fence shall not be greater than 42" in height and must be constructed in such a way as not to obstruct the view of traffic or driveway.
5. Notwithstanding any other provisions herein, no fence shall be

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constructed that in any way obstructs the view of traffic.

6. Fences, walls, and hedges within any required rear yard or interior side yard may not exceed six (6) feet in height.

7. Fencing material used in the construction of fences or barriers shall be submitted to the building inspector prior to commencement of construction so that he may determine the visibility rating, suitability and safety of the materials.

Permitted fencing materials include:

- a. Post and rail
- b. Chain link
- c. Wood plank, diminished lumber
- d. Block or masonry wall on foundation
- e. Vinyl fencing
- f. Picket fencing
- g. Wrought iron

Fence materials not permitted on residential lots include:

- a. Barbed wire
- b. Cedar or other poles with bark
- c. Welded metal rods
- d. Rough-sawn lumber (half rounds)
- e. Net fencing
- f. Chicken wire
- g. Pallets
- h. Any other materials not listed as permitted.

8. Any fencing constructed must allow free and easy access to all utility meters located within the fenced area.

9. For purpose of this Section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two (2) plants is and remains at least five (5) feet.

10. Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

11. Fencing and walls six (6) feet in height, including protective gates, must be installed around swimming pools, jacuzzi's, and similar

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structures.

12. Fencing with adequate screening or barrier walls six (6) foot in height shall border all commercial and manufacturing districts as they border other zones.

13. To determine the "visibility factor" of fence material as that term is used in this Ordinance, one square foot of the fence material is viewed perpendicular to its installed surface. The square inches of solid fence material contained in the square foot of fence material is subtracted from 144 to determine the square inches of open area within that square foot of fence material. The "visibility factor" is the percentage obtained by dividing the square inches of open area by 144.

14. Tennis courts, sport courts, batting cages, etc.: Fence type enclosures for uses such as tennis courts, sport courts, swimming pools, ball diamond backstops, batting cages, etc., may be erected to a height greater than eight feet (8') but not more than eighteen feet (18'), including any retaining walls, provided:

- a. Such enclosure does not constitute a part of a fence enclosing a property.
- b. All portions of the enclosure shall be located within the rear/side enclosure area of the lot.
- c. All portions of the enclosure above a height of eight feet (8') shall be non sight obscuring.
- d. The enclosure shall be set back from the property line of adjoining properties and also the main building upon the lot to which it is appurtenant for a distance of not less than twenty feet (20').
- e. On corner lots, the enclosure shall be set back not less than ten feet (10') from the street.

Section 4-17 Water and Sewer Requirements.

All proposed building or proposed use shall be connected to a public water system within the city limits of Kanab. Sewer hookups are required in areas served by the Kanab City Sewer System.

Section 4-18 Curbs, Gutters and Sidewalks

The installation of curb, gutter and sidewalks of a type approved by the Kanab City Council shall be required on any existing or proposed street adjoining a lot on which a commercial or industrial building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks shall be required as a condition of building or use permit approval.

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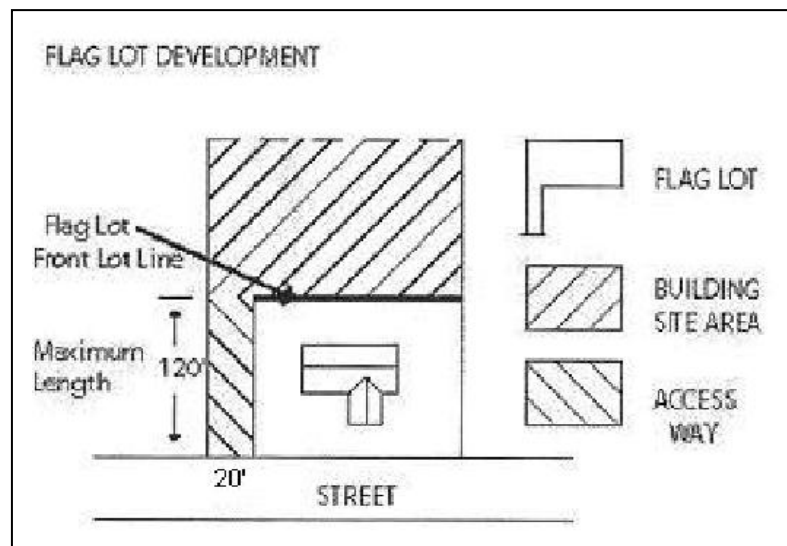
CITY OF KANAB

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Section 4-19 Effect of Official Map

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the Kanab City Official Map.

Section 4-20 Flag Lots - Special Provisions



1. Flag lots are intended to allow development of substantial, buildable properties where the extension of public streets cannot or should not be extended. Additionally, constraints created by the existing built environment may be a consideration. Lot size for such

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uses is necessarily large to help insure privacy of adjacent properties who are most impacted by the development of the flag lot.

2. All Flag Lot development shall require a Conditional Use Permit by the Planning Commission, upon satisfaction of the following conditions:

- a. A determination by the Planning Commission that the lot may not be developed as a standard lot and that the property cannot be subdivided with public streets and standard lots, either at the present or in the foreseeable future
- b. An easement shall be recorded across the staff portion of the flag lot providing access for installation and maintenance of utility lines and services, emergency vehicle access and access of City or other public personnel or vehicles as may be required to carry out the responsibilities of the City and other governmental entities. Public services, such as garbage collection, will be at the Dedicated Street only.
- c. The staff portion of a flag lot shall front on a dedicated public street. The minimum width of the staff portion of said lot shall be sixteen (20) feet.
- d. No building or construction, except for drive-ways and/or fences shall be allowed on the staff portion of said lot.
- e. The lot shall meet all size and setback requirements of the zone in which the lot is located.
- f. The flag lot shall be for a single family dwelling only.
- g. No part of the staff portion of the flag lot may serve more than two flag lots. In the event two such flag lots are served by a single staff, an agreement executed by all holding an interest in the property shall be recorded providing that each owner shall contribute one-half the cost of maintenance of the access road on the staff lot, which obligation shall be secured by a lien on the lots.
- h. The staff portion of the lot shall be owned in fee simple by the lot owner or the lot owner shall own an irrevocable easement constituting the staff portion. If access is by means of an easement, the adjacent lot shall maintain the entire frontage required by the ordinance for the zone in which it is located, in addition to the width required for the flag lot access easement. Any easement on an adjoining lot shall contain all provisions identified in (b) above.
- i. The flag lot access driveway shall not be closer to an adjacent dwelling than ten (10) feet.

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j. The staff portion of the flag lot shall be improved with a gravel driveway or better surface. The driving surface shall be well maintained and it shall be readily passable by a standard passenger car and emergency vehicles.

k. the proposal is compatible with the existing development, in terms of height, building materials and that the approval of the dwelling will not adversely affect the living environment of the surrounding area.

l. No deleterious objects or structures shall be constructed or maintained on the premises.

m. The proposed landscaping and fencing will adequately protect the privacy of adjacent properties.

n. Public safety issues, such as fire hydrants, have been adequately addressed.

o. A detailed site plan shall be submitted for review to the Planning Commission. Said site plan shall include:

i. All existing and proposed structures on the building site and adjacent parcels, driveway and parking areas and the area on the site to be landscaped.

ii. Proposed access to the building site along an access way which shall not be less than thirty (20) feet in width nor more than one hundred twenty (120) feet in length.

iii. The proposed area of a building site, which shall not be less than twenty thousand (20,000) square feet, exclusive of the access way.

iv. The setbacks from property line to the proposed structure, which shall meet the requirements of the underlying zone.

v. The setback from existing occupied structures on neighboring properties to any structure on the proposed flag lot, which shall be at least seventy (70) feet.

vi. The existing height of buildings located on adjacent properties.

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3. All construction shall be in accordance with the site plan as approved by the Planning Commission. An approval by the Planning Commission shall run with the owner and shall be valid only for a period of one (1) year from the date of approval. If the ownership of the parcel changes before the issuance of a building permit, or if said permit is not obtained and construction commenced within one (1) year from date of approval, said approval shall be null and void.

4. The front side of the flag lot shall be deemed to be the side nearest the street upon which the staff portion fronts.

5. The City shall have no maintenance responsibility for the roadway on the staff portion of the flag lot.

Section 4-21 Private Lanes - Special Provisions

1. Because it may be in the interest of Kanab City to allow certain residential development without frontage upon private streets and only on private lanes, such approval may be granted by a conditional use permit recommended by the Planning Commission and approved by the City Council, upon satisfaction of the following conditions:

a. A scale drawing of the proposed private lane and lot shall be submitted in support of an application for approval, together with all other documents required and an agreement to abide by all provisions of this ordinance. The lot shall meet all size and setback requirements of the zone in which the lot is located.

b. A determination shall be made as to the future width of dedicated street that may be needed to serve the lot, based upon the City Master Plan of streets. If the proposed private lane is not identified as a major or collector street, it shall be considered to be a future local street. The private lane must meet all requirements of such a class of street, including width.

c. The applicant for the Conditional Use Permit shall record a written agreement to dedicate the private lane at such time as the City shall require dedication. The agreement shall be signed by all individuals owning any of the private lane.

d. An easement shall be recorded across the private lane between the subject property and the public street or right-of-way providing for installation and maintenance of utility lines and services, emergency vehicle access and access of City or public personnel or vehicles as may be required in order to carry out the responsibilities of the City and other governmental entities.

e. The private lane shall be improved with a gravel

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driveway or better surface across such width as the City may, from time to time, determine. The driving surface shall be well maintained and it shall be readily passable by a standard passenger car and emergency vehicles.

f. Utility lines shall be extended at the cost of the applicant from the public street to the subject dwelling at such size as may be required by the City to serve the applicant or future development in the area. Upon installation and acceptance the lines on the City side of the meter shall become the property of the City. The City will then assume responsibility for the upkeep and maintenance of the line. No reimbursement contracts will be issued by the City to the property owner for any future connections to any required utility line that may be installed as a part of a conditional use permit approval.

g. Water meters shall be located at the future property line in front of the dwelling. Other meters, such as electricity, shall be located as required by the City.

h. All dwellings shall be no further than five hundred (500) feet from an approved fire hydrant. If installation of a hydrant is necessary, it shall be done at the expense of the applicant.

i. A letter of consent and non-opposition to any future improvement district initiated by the City shall be recorded against the land and shall run with the land. The City, at its option, may initiate a special improvement district for the improvement of any private lane approved for use under these conditions.

2. In the event any private lane is proposed to serve more than one lot, an agreement executed by all holding an interest in the lots shall be recorded providing that each owner shall contribute his pro-rata share of the cost of maintenance and improvement of the private lane, which obligation shall be secured by a lien on the lots.

Section 4-22 Temporary Structures During Construction

As a conditional use within any zone a mobile home may be placed upon any lot during the actual period of construction of a principal dwelling or structure on the premises subject to the following limitations:

1. A mobile home shall be permitted to remain upon premises for a maximum of 180 days during the construction of a residential structure.

2. A mobile home shall be permitted to remain upon the premises during construction of a commercial or industrial building for a period of time not to exceed the time limit for construction under the contract

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or one (1) year, whichever is shorter.

3. The time limits provided herein shall not be extended without approval of the Planning Commission.

Section 4-23 Handicapped Residential Facilities

1. **Permitted Use - Multiple Family Zone** - A residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings. Prior to establishing a residential facility for handicapped persons, a permit must be obtained by application to the Planning Commission and thereafter to the City Council, which shall be issued if the applicant can show that:

- a. the facility meets all Kanab City building, safety, zoning and health ordinances applicable to similar dwellings;
- b. the residents of the facility will be properly supervised on a 24-hours basis;
- c. a community advisory committee will be established through which all complaints and concerns of neighbors may be addressed;
- d. adequate off-street parking space is provided;
- e. the facility is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
- f. no person being treated for alcoholism or drug abuse may be placed in the residential facility for handicapped persons;
- g. no person who is violent will be placed in a residential facility for handicapped persons.
- h. placement in the residential facility for handicapped persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

Upon application for a permit to establish a residential facility for handicapped persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, a facility that conforms to these ordinances shall be granted a permit. If the Planning Commission and City Council determine that the residential facility for handicapped persons is in compliance with those ordinances, the City shall grant the requested permit to that facility.

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The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for handicapped persons or, if the structure fails to comply with the City ordinances.

2. **Conditional Use - Single-Family Zones** - Subject to the granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in an municipal zoning district which is zoned to permit exclusively single-family dwelling use, if that facility:

- a. Conforms to all applicable health, safety, zoning, and building codes;
- b. is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
- c. conforms to Kanab City's criteria adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings.
- d. no person being treated for alcoholism or drug abuse may be placed in the residential facility for handicapped persons;
- e. no person who is violent shall be placed in a residential facility for handicapped persons;
- f. placement in the residential facility for handicapped persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- g. meets conditions stated in Chapter 8 of this ordinance.

The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

3. **Discrimination** - Discrimination against handicapped persons and against residential facilities for handicapped persons is prohibited. The decision of Kanab City regarding the application for a permit by a residential facility for handicapped persons must be based on legitimate land use criteria, and may not be based on the handicapping conditions of the facility's residents.

Section 4-24 Elderly Residential Facilities

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1. **Permitted Use - Multiple Family Zone** - A residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings. Prior to establishing a residential facility for elderly persons, a permit must be obtained by application to the Planning Commission and thereafter to the City Council which shall be issued if the applicant can show that:

- a. the facility meets all Kanab City building, safety, zoning and health ordinances applicable to similar dwellings;
- b. adequate off-street parking space is provided;
- c. the facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
- d. no person being treated for alcoholism or drug abuse may be placed in the residential facility for elderly persons;
- e. placement in the residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

Upon application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, a facility that conforms to these ordinances shall be granted a permit. If the Planning Commission and City Council determine that the residential facility for elderly persons is in compliance with those ordinances, the City shall grant the requested permit to that facility.

The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or, if the structure fails to comply with the City ordinances.

2. **Conditional Use - Single-Family Zones** - Subject to the granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any municipal zoning district which is zoned to permit exclusively single-family dwelling use, if that facility:

- a. conforms to all applicable health, safety, zoning, and building codes;
- b. is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
- c. conforms to Kanab City's criteria adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family

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dwellings.

d. no person being treated for alcoholism or drug abuse may be placed in the residential facility for elderly persons;

e. placement in the residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

f. meets requirements in Chapter 8 of this ordinance.

The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

3. **Discrimination** - Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. The decision of Kanab City regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria, and may not be based on the age of the facility's residents.

4. **Other Permitted Uses Not Limited** - The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets existing zoning ordinances that allow a specified number of unrelated persons to live together.

Section 4-25 Bed and Breakfast Inn

A Bed and Breakfast Inn is a conditional use within certain zones as provided hereafter in this ordinance and must comply with the following requirements:

1. The owner of the premises must reside therein.

2. There must be a minimum of one guest room and not more than five guest rooms. No more than four guests may occupy any room. No guest may stay more than fifteen consecutive days.

3. One off-street parking stall must be provided per guest room with two off-street parking stalls provided per premise owner.

4. No cooking facility may be present in any guest room. No cooking may occur in any guest room. Meal services may be offered only to overnight guests.

5. Other than a sign permitted for a Bed and Breakfast Inn established by conditional use permit may have no advertising of any type.

6. Any permit granted is revocable upon notice and hearing if the use of the property creates traffic, noise, health, safety, parking, or

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other problems in the area.

7. A site plan must be submitted.

8. Any hearing for the establishment of a Bed and Breakfast Inn conditional use permit shall be advertised as required by this ordinance.

Section 4-26 Residential Zones Design Standards

In addition to any other requirements provided by law, any application for a building permit of a single or multiple family dwelling within residential zones shall be accompanied by a site plan and architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures and complying with the design criteria set forth as follows:

1. Each dwelling must be taxed as real property. If the dwelling is a manufactured home, affidavits as required by Utah Code Annotated Section 59-2-602 must be filed under that section and a copy thereof submitted to the city prior to receiving a Certificate of Occupancy.

2. Each dwelling shall have a code-approved site built concrete, masonry, steel or treated wood permanent foundation which meets the requirements of the City adopted building codes or the ICC guidelines for the manufactured housing installations, including any amendments or successors thereto, and must be capable of transferring design, dead loads and live loads and other design loads unique to local home sites due to wind, seismic, soil and water conditions that are imposed by or upon the structure into the underlying soil or bedrock without failure. All perimeter footings must be minimum of 18 inches below grade. All tie down devices must meet City adopted building codes or other applicable building codes. The space beneath the structure must be enclosed at the perimeter of the dwelling with the concrete or masonry type foundation materials. At each exit door there shall be a landing which meets the minimum requirements of the City Building Codes. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.

3. The roof of each dwelling shall have a minimum pitch of 2-1/2:12 or lesser pitch with parapet walls under a design approved by the Building Inspector. At non-gabled ends of the roof there shall be an overhang at the eaves of not less than six inches 6" excluding rain gutters, measured from the vertical side of the dwelling. The roof overhang requirements shall not apply to areas above porches, alcoves and other appendages which together do not exceed 25% of the length of the dwelling. The roof surface shall consist of wood

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shakes, asphalt, composition wood shingles, tile, metal or fiberglass shingles.

4.
 - a. All dwelling units (building front) shall face the public street where adequate public street frontage exists, unless otherwise approved by the city council upon recommendation of the planning commission.
 - b. The City Council upon recommendation of the planning commission may reduce the front setback on a public street to fifteen feet (15') for homes with a covered, but otherwise open front porch. The front porch shall be part of the overall house design and extend at least one-half (1/2) of the width of the home with a minimum depth of eight feet (8'). The porch covering shall be part of the roof or roof extension, and of the same material as dwelling and not simply an awning over the porch. The front setback to the garage or carport shall be at least twenty five feet (25') on public streets.
 - c. Existing single-family dwellings shall not be converted to multi-family units.
 - d. Multi-family housing shall be new construction. Additions to legally existing multi-family buildings shall be considered a conditional use and shall require a conditional use permit.
 - e. No garage, carport or parking space shall be converted to living space unless the building inspector determines that adequate off street parking is available.
5. Each dwelling shall have exterior materials of sufficient quality, durability and resistance to the elements to satisfy the purpose of this section. Exterior siding materials shall consist of wood, hardwood, brick, stucco, glass, metal, lap vinyl, lap tile or stone meeting the requirements of the City Building Codes.
6. The width of the dwelling shall not be less than twenty- four feet (24) feet at the narrowest point of its first floor exclusive of any garages, bay windows, room additions or other similar appendages. A basement shall not be considered as a first floor. The width shall be considered as the lesser of the two primary dimensions. Manufactured homes shall be multiple transportable sections at least twelve feet (12) wide unless transportable in three (3) or more sections, in which case only one section need be twelve (12) feet wide.
7. Replacement of an existing non-conforming manufactured home on any lot must comply with all the requirements contained in this section.
8. Each dwelling shall have a minimum floor area on the main

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floor or floors, exclusive of garages as shown in Section 15-2. A basement shall not be considered as a floor. Measurements to determine the minimum area of the dwelling shall be taken from the outside of the foundation walls.

9. Any manufactured home that has been previously owned or has been modified, is subject to inspection by the building inspector. The building inspector may deny hookups and occupancy if the unit is found to be in noncompliance with Annex A (a final inspection checklist) and Annex C of and ANSI A225.1 - 1994, of the American National Standard Manufactured Home Installations, approved January 4, 1994, by the American National Standards Institute, Inc. A decision of the inspector is considered to be an administrative decision and may be appealed to the Appeals Officer and then to the District Court.

Section 4-27 American National Standard Manufactured Home Installations

1. **Final Inspection Checklist** - Final inspection shall be made when the home installation (set-up) is complete. A checklist such as the one given below should be developed to ensure that no items have been overlooked and that work has been properly completed.

- a. **Water and Drain Systems.** Check to ensure that:
 - i. Correct materials for water and drain lines have been used.
 - ii. Connections and splices are properly made.
 - iii. Supports are of correct material and are properly spaced.
 - iv. Necessary inspections and tests have been made.
 - v. Water lines are protected from freezing when applicable.
 - vi. Proper slope has been maintained on drain lines.
- b. **Electric Systems.** Check to ensure that:
 - i. Panel amperage matches connection to home.
 - ii. Electrical inspections have been performed; connections between multi-sections are in accordance with MHCSS and access covers are in place.
- c. **Gas/fuel Oil Systems.** Check to ensure that:
 - i. Correct materials and fittings are used.
 - ii. The pressure test has been conducted on the gas system.
 - iii. The connection between multi-sections are in accordance with the MHCSS, with access as required.
- d. **Appliance Function, Operation, and Venting.** Check to

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ensure that:

- i. Vent or chimney extensions shipped loose on the home have been mounted and serviced in accordance with the manufacturer's instructions.
 - ii. Appliances and valves have been tested and are properly working.
 - iii. Venting of appliances under unit are in accordance with the MHCSS.
 - iv. Dryer is properly vented.
 - v. Solid-fuel-burning fresh air intake is properly installed
 - vi. Temporary shipping blocks have been removed.
 - vii. Exhaust fan operation and air flow are correct.
- e. **Windows and Doors.** Check to ensure that:
- i. Windows meet egress requirements and have operation instructions on them.
 - ii. Doors function properly.
 - iii. Temporary shipping hardware has been removed from windows and doors.
- f. **Exterior of Home.** Check:
- i. For damage to under carriage or bottom board.
 - ii. Chassis, floor joists, or both for installation/transportation damage.
 - iii. Bottom board for rips or tears.
 - iv. For damage to siding (cracks, breaks, holes, nail pops., etc.)
 - v. For damage to metal or composition roof.
 - vi. For holes or rips in metal roof.
 - vii. Shingles for damage and sealing.
 - viii. Drip edge or fascia damage.
 - ix. Roof openings for sealing (vents, stacks, etc.)
 - x. To ensure that when gutters and downspouts are installed, the water is diverted away from the home.
- g. **Interior of Home.** Check:
- i. For damage to floor coverings (vinyl, carpet.)
 - ii. For damage to wall finish (holes, cracks, nail pops, etc.)
 - iii. For damage to ceiling finish (holes, cracks, nail pops, etc.)
 - iv. For damage to interior trim (splits, cracks, nail pops, etc.)
 - v. Multi-section common areas for correct finishing.
- h. **Skirting.** Check to ensure that:

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- i. Skirting used is in accordance with owner's specifications.
- ii. Venting is in accordance with the manufacturer's specifications.
- iii. Skirting is constructed to prevent frost movement in areas of where it occurs.
- iv. Polyethylene ground cover is correctly installed.
- i. **Blocking/footings.** Check to ensure that:
 - i. Footing are of proper size and construction for soil conditions.
 - ii. Spacing of piers is in accordance with the manufacturer's guidelines.
 - iii. Footing depth is below frost line.
 - iv. Foundation walls, if required, meet local codes, ordinances, or covenants.
 - v. Pier construction meets manufacturer's specifications.
- j. **Anchoring.** Check to ensure that.
 - i. Approved anchors are used.
 - ii. Correct number of anchors, straps, or both are used according to the manufacturer's instructions.
 - iii. Anchors are installed at correct angles and in accordance with the anchor manufacturer's listing for approval.
- k. **Miscellaneous.** Check to ensure that:
 - i. The smoke detector(s) is operating correctly.
 - ii. Construction seals (the "HUD Label") have not been damaged, removed, or covered by skirting.
 - iii. Installation/anchoring certificates, seals, or both have been issued and installed if required.
 - iv. Data plate is intact and legible.
 - v. Low-hanging tree branches and bushes have been trimmed.

All transit and installation damage is required to be reported to the manufacturer if the home is a new unit. Check with local authorities having jurisdiction prior to installation for code requirements and permits/inspections required.

Section 4-28 Home Occupations

A Conditional Use within certain zones as provided within this ordinance and must comply with the following requirements:

1. The Home Occupation shall not occupy a total area greater than twenty-five (25) percent of the improved portions of the dwelling and shall not change the character thereof.

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2. Accessory buildings may be used, but outside storage or activities are not permitted except for nursery schools, in which case, it is presumed that rear yard space is utilized and the rear yard space must be completely fenced with at least a six foot (6) high fence.
3. Any signs or other outside displays shall not be allowed.
4. Off-Street Parking will be provided which will, in the opinion of the Planning Commission, be adequate to accommodate all vehicles which will be parked on or about the premises by customers, clients or occupants of the dwelling. Said off-street parking will be provided so that it will not decrease residential amenities in the area surrounding the dwelling.
5. Prohibited Home Occupation Uses - The following list presents examples that are not incidental to nor compatible with residential activities and are prohibited:
 - a. Businesses which entail the harboring, breeding, and raising of dogs, cats or other large or small animals on the premises;
 - b. Primary Medical and Dental offices, clinics and laboratories;
 - c. Mini storage;
 - d. Vehicle repair (body or mechanical), and vehicle painting;
 - e. Any other use determined by the Planning Commission to be not incidental nor compatible with residential activities.
6. Revocation - A Conditional Use Permit covering home occupation shall be revoked or modified by the Planning Commission if any one of the following findings can be made:
 - a. That the use has become detrimental to the public health, safety, traffic or constitutes a nuisance;
 - b. That the permit was obtained by misrepresentation or fraud;
 - c. That the use for which the permit was granted has ceased or was suspended for six or more consecutive calendar months;
 - d. That the condition of the premises, or the area of which it is a part has changed so that the use is no longer justified under the meaning and intent of this Chapter;
 - e. That one or more of the conditions of the Conditional Use Permit have not been met;
 - f. That the use is in violation of any statute, ordinance, law or regulation.

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- g. That the use meets requirements in Chapter 8 of this ordinance.

Section 4-29 Underground Utilities

All utilities, including cable TV conduits, shall be provided through underground service in properly recorded easements or rights of way. All existing aboveground utility lines which are within the boundary of the project or are on adjoining collector streets which are to be widened with the development shall be buried within appropriate easements. Utility lines in projects which the City Engineer determines should be buried with future road reconstruction or widening shall pay a cash escrow equal to the current cost of burying the lines. All underground utilities specified in this section shall be installed prior to the installation of road base, surfacing and sidewalks. Underground utilities shall be installed only after streets have been rough graded to a line and grade approved by the City Engineer. All underground utilities shall be sleeved.

Section 4-30 Streets and Trails Connectivity

1. Streets and trails in new residential developments must have connectivity to other surrounding residential neighborhoods.
2. Development site plans must show the location of the development as part of a larger tract with a vicinity plan showing the relative location of the development to adjacent streets, trails and geographic features.
3. Continuation of master planned streets and trails: The arrangement of streets and trails shall provide for the continuation of master planned streets and trails between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and where such continuation is in accordance with the city's general plan, transportation master plan and/or recreation master plan.
 - a. Temporary turn-around: If the adjacent property is undeveloped and the street must be a dead end street temporarily, the right of way shall be extended to the property line and a temporary turnaround shall be provided.

Section 4-31 Residential Facilities for Persons with Disability

1. Applicability: If any facility, residence or other circumstance meets the definition of a residential facility for persons with a disability as set forth herein, the requirements of this section shall govern the same notwithstanding any other provisions of this title:
2. Purpose: The purposes of this section are:

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- a. To comply with Utah Code Annotated section 10-9-605;
and
- b. To avoid discrimination in housing against persons with disabilities as provided in the Utah fair housing act and the fair housing amendments act as interpreted by courts having jurisdiction in Utah.

3. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

RESIDENTIAL FACILITY FOR THE DISABLED:

A. A single-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a twenty four (24) hour per day basis in a family type arrangement under the supervision of the resident family or manager, and that conforms to all applicable standards and requirements of and is licensed by the Utah department of human services division of services for people with disabilities, or department of health and is operated by or under contract with that department. The dwelling must be owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident.

B. "Residential facility for the disabled" shall not include facilities for the following: secure treatment, adult daycare, day treatment, comprehensive mental health treatment, comprehensive substance abuse treatment, or domestic violence treatment, as defined in Utah Code Annotated section 62A-2-101.

4. Permitted Use Requirements: A residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed. Each such facility shall conform to the following requirements:

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a. Building And Safety Standards: The facility shall comply with all building, safety and health regulations applicable to similar structures. As part of this requirement, the following site development standards and parking standards shall be applicable:

b. Each facility shall be subject to minimum site development standards applicable to a dwelling in the zone in which the facility is located.

c. The minimum number of parking spaces required for a residential facility for persons with a disability shall be the same as those for a dwelling located in the same zoning district in which the facility is located, subject to the following:

i. If support staff is employed on the premises of a facility, one additional parking space shall be required for each staff member.

ii. Parking shall not be located within the front yard setback.

5. Prohibited Uses: No facility shall be made available to an individual whose tenancy would:

a. Constitute a direct threat to the health or safety of other individuals; or

b. Result in substantial physical damage to the property of others.

6. Requirements Of Licensee: Prior to the occupancy of any facility, the person or entity licensed or certified by the department of human services or the department of health to establish and operate the facility shall:

a. Provide a copy of such license or certification to the city; and

b. Certify in a sworn affidavit to the city that no person will reside or remain in the facility whose tenancy would likely:

i. Constitute a direct threat to the health or safety of other individuals; or

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- ii. Result in substantial physical damage to the property of others.

7. Nontransferable; Termination: The use permitted by this section is nontransferable and shall terminate if:

- a. The facility is devoted to a use other than a residential facility for persons with disabilities; or
- b. The license or certification issued by the department of human services or the department of health terminates or is revoked; or
- c. The facility fails to comply with the conditions enumerated in this section.

8. Number Of Persons Limited: No residential facility for persons with a disability shall house more than eight (8) disabled persons, not related by blood or marriage.

9. Distance To Similar Facilities: No residential facility for persons with a disability, licensed for the housing of more than three (3) disabled persons, shall be established or maintained within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:

- a. Another residential facility for persons with a disability licensed for the housing of more than three (3) disabled persons; or
- b. A residential facility for elderly with more than three (3) elderly persons in residence.

10. Business License Required: For a residential dwelling for four (4) or more persons, as licensed by the department of human services, division of services for people with disabilities, the owner or provider shall be required to maintain a valid business license with the city.

11. Exemptions: A residential facility for the disabled shall not include facilities which house persons being treated for alcoholism or drug abuse, persons who are violent, who are not voluntarily residing therein, or who are residing therein as a part of or in lieu of confinement, rehabilitation or treatment in a correctional facility.

12. Reasonable Accommodation: None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary

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to allow the establishment or occupancy of a residential facility for persons with a disability.

- a. Any person or entity who wishes to request a reasonable accommodation shall make application therefore to the city council, or the council's designee, and shall articulate in writing the basis for the requested accommodation.
- b. Each application for a reasonable accommodation shall be decided within not more than thirty (30) days.
- c. If a request for a reasonable accommodation is denied, such decision may be appealed to the Appeals Officer in the manner provided for appeals of decisions applying this title.

Chapter 5

NONCONFORMING BUILDINGS AND USES

**An ordinance
which provides
for the
determination
and regulation of
nonconforming
buildings and
uses.**

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Section 5-1 Zoning Administrator's determinations

The Zoning Administrator may decide certain matters that are consistent with guidelines established by this Chapter and State law and the rules adopted by the Appeals Officer. Pursuant to that authority, the Zoning Administrator may decide all cases which are routine in nature, uncontested, does not impact on the character of the neighborhood, are primarily brought about by recent changes in the Zoning Ordinance creating a large number of nonconforming structures or uses and which the Appeals Officer has granted on almost a routine basis. The specific types of decisions the Zoning Administrator is authorized to make shall include:

1. Determination of a nonconforming use which can be verified by substantial evidence. Substantial evidence, for the purpose of this Section, shall mean official documents, including any written correspondence, receipts, permits, or documents issued by a public body or agency thereof, etc. that may establish the truth of the matter asserted by the applicant.
2. Consider additions or alterations to existing buildings and structures which are nonconforming as to height, area, or yard regulations provided the addition follows the existing wall lines and no additional dwelling units are added to the building or structure.
3. Change in status of a nonconforming use to a less intense use than that immediately preceding the proposed use.
4. Final review and approval on plans where the Appeals Officer has required that a final plan be submitted for special approval, showing that all the requirements imposed by the Appeals Officer in granting the original approval have been complied with. All decisions of the Zoning Administrator made under this section may be appealed to the Appeals Officer.

Section 5-2 Nonconforming use of buildings, structures and land

Except as otherwise provided in this Title, a nonconforming use of land or a structure may be continued.

1. Determination of Nonconforming Buildings and Uses. All matters regarding the nonconforming use of buildings and land shall be determined by the Appeals Officer. Upon application, after a public hearing on the matter, the Appeals Officer shall determine if the use or

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NONCONFORMING BUILDINGS AND USES

building is nonconforming with respect to the current provisions of this Chapter. The Zoning Administrator may determine routine and uncontested requests to verify nonconforming uses as provided in Section 5-1 and the rules adopted by the Appeals Officer.

2. Alteration of Modifications to Nonconforming Buildings and Structures. Nonconforming building and structures with respect to setbacks or height may be continued. Additions, enlargements or structural alterations may be made to the extent that they comply with all requirements of the Kanab City Code or conform to the provisions of Section 5-1 of this Chapter. In addition, the Appeals Officer, after a hearing, may allow an enlargement or structural alteration provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility. If any such nonconforming building is removed, every future use of the land on which the building was located shall conform to the provisions of this Chapter.

3. Nonconforming Use of Land. A nonconforming use of land lawfully existing on the effective date of this Chapter may be continued provided such nonconforming use shall not be expanded or extended into any other open land, except as otherwise provided in this Chapter. If the nonconforming use is discontinued for a continuous period of more than one year it shall constitute an abandonment of the use and any future use of such land shall conform to the provisions of the zone in which it is located.

4. Nonconforming Use of Buildings and Structures. The nonconforming use of a building or structure lawfully existing on the effective date of this Chapter may be continued and may be expanded or extended throughout such building or structure provided no structural alterations, except those permitted by law, are proposed or made for the purpose of extension. The addition of a solar energy device to a building shall not be considered a structural alteration. If such nonconforming use is discontinued for continuous period of more than one year it shall constitute an abandonment of the use and any future use of the building or structure shall conform to the provisions of the zone in which it is located.

5. Change in Status of Nonconforming Use. If a nonconforming use is abandoned, it may be succeeded, upon approval of the Zoning Administrator, by an equally restrictive or more restrictive nonconforming use, provided such change is effected within one year from the first day of abandonment. After a change to a less intensive use occurs, the use may not change back to a more intensive use.

6. Alterations of Modifications to Nonconforming Use. A use

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NONCONFORMING BUILDINGS AND USES

which has been declared nonconforming shall not be enlarged or moved except as provided in this Section. The Appeals Officer, after a hearing, may allow an enlargement or modification provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility.

7. Reconstruction of Nonconforming Building or Structure Partially Destroyed. A nonconforming building or structure destroyed to the extent of not more than 50 percent of its reasonable replacement value at the time of its destruction by fire, explosion, other casualty, act of God or action of a public enemy, may be restored. Occupancy or use of such building, structure, or part thereof which existed at the time of such partial destruction may be continued subject to all the provisions of this Title.

9. Amortization of Nonconforming Uses. The Appeals Officer, under authorization of State statute, may provide for the timely modification or removal of a nonconforming structure or use of land. A maximum of a five-year period may be granted in which the nonconforming use shall be modified or removed in order to comply with the General Plan and Zoning Ordinance. The Appeals Officer may provide for a shorter time period by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of any investment in the nonconforming use or structure, in any.

10. The Appeals Officer may terminate the legal nonconforming status of school district property upon a finding that the property has ceased to be used for school district purposes.

Chapter 6

OFF-STREET PARKING REQUIREMENTS

**An ordinance
which establishes
requirements for
off-street
parking spaces
for automobiles
adjacent to the
building,
structure or use.**

Adopted January 22, 2008

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Section 6-1 Off-Street Parking Required

At the time any building or structure is erected or enlarged or increased in capacity or any use is established, there shall be provided off-street parking spaces for automobiles adjacent to the building, structure or use in accordance with the following requirements.

Section 6-2 Size

The dimensions of each off-street parking space shall be at least nine (9) feet by twenty (20) feet for diagonal or ninety-degree spaces; or nine (9) by twenty-two (22) feet for parallel spaces, exclusive of access drives or aisles, provided that in parking lots of not less than twenty (20) parking spaces the Planning Commission may approve a design allowing not more than twenty (20) percent of such spaces to be not less than seven and one-half (7½) feet by fifteen (15) feet to be marked and used for compact automobiles only.

Type of Space	Minimum Width	Minimum Length
Diagonal	9 feet	20 feet
90° Angle	9 feet	20 feet
Parallel	9 feet	22 feet
Compact (approved 20%)	7½ feet	15 feet

Section 6-3 Access to Individual Parking Space

Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.

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OFF-STREET PARKING REQUIREMENTS

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Uniform Zoning Ordinance

Section 6-4 Number of Parking Spaces

The number of off-street parking spaces required shall be as follows:

A professional parking study may be required by the Planning Commission.

#	Type of Use	Parking Spaces Requirement
1.	Business or professional offices	1 per 300 sq. ft. of floor area
2.	Churches, sports arenas, auditoriums, theaters, assembly halls, meeting rooms	1 per each 3.5 seats of maximum seating capacity
3.	Commercial properties fronting Highway 89/SR11	Parking may be modified by a conditional use permit
4.	Dwellings, single-family, two-family, multi-family and cluster (townhouse and condominium)	2.25 per dwelling unit
5.	Furniture and appliance stores	1 per 600 sq. ft. of floor area
6.	Handicapped and motorcycle parking spaces	1 handicapped per 25 spaces, plus 1 per each additional 50 spaces, & 1 motorcycle stall per 25 spaces
7.	Hospitals	2 per each bed
8.	Hotels, motels, motor hotels	1 per each sleeping unit, plus parking for all accessory uses as herein specified.
9.	Nursing homes	4, plus 1 per each 5 beds
10.	Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments	1 per each 3.5 seats or 1 per each 300 sq. ft. (excluding kitchen, storage, etc.), whichever is greater
11.	Retail stores, shops	1 per each 300 sq. ft. of retail floor space.
12.	Shopping centers or other groups of uses not listed above	As determined by conditional use permit or Planned development procedure, if applicable, or by the Kanab City Planning Commission.
13.	Storage units (commercial)	1 per each 30 ft of building frontage storage space
14.	Wholesale establishments, warehouses, manufacturing establishments, and all industrial uses	As determined by conditional use permit or by planned development requirements, if applicable, or by the Kanab City Planning Commission, but in no case fewer than 1 space for each employee projected for the highest employment shift.
15.	All other uses not listed above	As determined by the Kanab City Planning Commission, based on the nearest comparable use standards.

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OFF-STREET PARKING REQUIREMENTS

Section 6-5 Access Requirements

Adequate ingress and egress to and from all uses shall be provided as follows (Minimum widths of drives within parking lots are provided in the Kanab City Design and Construction Standards):

1. **Residential Lots** - For each residential lot not more than two (2) driveways, each of which shall be a maximum of twenty-five (25) feet wide at the street lot line, or one (1) driveway with a maximum of 50 feet wide at the street lot line. Driveways shall not be closer than six (6) feet to each other.
2. **Other than Residential lots** - Access for each lot shall be provided to meet the following requirements:
 - a. Not more than two (2) driveways shall be used for each one hundred (100) feet or fraction thereof of frontage on any street.
 - b. No two (2) of said driveways shall be closer to each other than six (6) feet, and no driveway shall be closer to a side property line than three (3) feet.
 - c. Each driveway shall be not more than fifty (50) feet wide, measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
 - d. No driveway shall be closer than ten (10) feet of any intersection at any corner as measured along the property line.
 - e. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted driveways. On the two (2) ends and street side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be in accordance with the City of Kanab Design and Construction Standards.
 - f. Where there is no existing curb and gutter or sidewalk, the applicant may at his option install such safety island and curb, or, in place thereof shall construct along the entire length of the property line (except in front of the permitted driveways) a curb, fence, or pipe rail not exceeding two (2) feet or less than eight (8) inches in height.
 - g. All other uses not listed above as determined by the Kanab City Planning Commission, based on the nearest compatible use standards.

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OFF-STREET PARKING REQUIREMENTS

Examples of Dark-Sky
Sensitive Lighting



Adopted January 22, 2008

Section 6-6 Location of Gasoline Pumps

Gasoline pumps shall be set back not less than eighteen (18) feet from any street line to which the pump island is perpendicular, and twelve (12) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line.

Section 6-7 Maintenance of Parking Lots

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

1. **Surfacing** - Each off-street parking lot shall be surfaced with a minimum of 2 inches of asphalt or 3½ inches of Portland cement or equivalent. The parking area shall be so graded as to dispose of all surface water. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.
2. **Landscaping** - Each parking lot shall be landscaped, including a tree diamond installed every six (6) parking spaces, or with a 6-foot wide island with a tree at the end of all parking rows, and shall be permanently maintained.

Section 6-8 Lighting of Parking Lots

Lighting used to illuminate any parking lot shall have a decorative style and shall be dark-sky sensitive and shall be arranged to reflect the light away from adjoining premises in any residential district, and from street traffic. No cobra-style light standards are allowed.

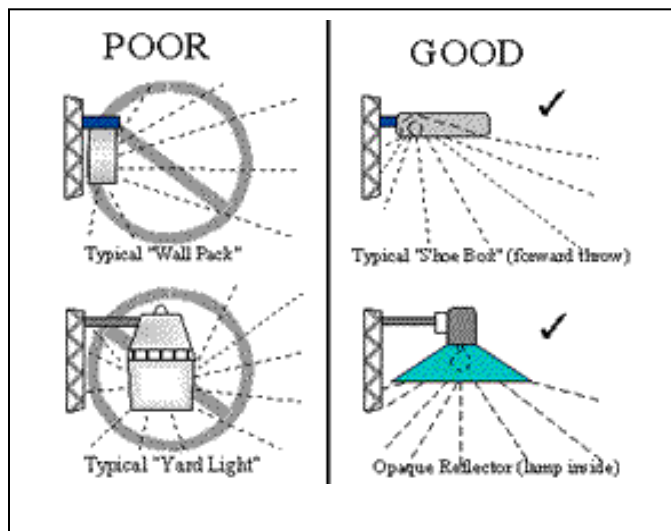
1. **Down Lighting**: To protect the views of the night sky, all outside lighting shall be "down lighting" so that lighting does not trespass to adjoining properties. All exterior lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be shielded or hooded so that no light is allowed to spill or trespass onto adjacent properties.
2. **Colors**: Warm lighting colors are encouraged. Blue white colors of fluorescent and mercury vapor lamps are prohibited.
3. **Minimum Levels; Motion Sensors**: All exterior lighting should be reduced to the minimum levels necessary for safety and security purposes. The use of motion sensors and timers is encouraged.
4. **Parking Lot Lighting**: Minimum adequate lighting should be provided in all parking areas, with emphasis placed on appropriate lighting at entrances and exits. All parking area lighting shall be integrated with landscape features. The height of pole mounted fixtures shall be held to a minimum practical height, but not exceeding twenty feet (20').

Chapter 6

OFF-STREET PARKING REQUIREMENTS

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An ordinance which provides for the regulation of signs, including size, location, construction and manner of display.

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Section 7-1 Purpose

1. The purpose of this Chapter is to permit such signs that will not, by reason of their size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety or otherwise endanger public health, safety and morals; and to permit and regulate signs in such a way as to support and complement land use objectives, set forth in the Zoning Ordinance.

2. Interpretation - The sign requirements contained herein are declared to be the maximum allowable, and sign types not specifically allowed as set forth within this Chapter shall be prohibited. Where other ordinances are in conflict with the provisions of this ordinance, the most restrictive ordinance shall apply.

Section 7-2 Intent

(a) Encourage the effective use of signs as a means of Promoting Business and communications in the City;

(b) Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;

(c) Improve pedestrian and traffic safety;

(d) Minimize the possible adverse affect of signs on nearby public and private property;

(e) Foster the integration of signage with architectural and landscape designs;

(f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;

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- (g) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (h) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- (i) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- (j) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (k) Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;
- (l) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (m) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (n) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (o) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the City;
- (p) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (q) Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (r) Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (s) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of the City's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its commercial properties; and

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(t) Enable the fair and consistent enforcement of these sign regulations.

Section 7-3 Definitions

Alteration - A change or rearrangement in the structural part of design whether by extending on a side, by increasing in area or height, or by relocating or change in position. Alterations shall not be interpreted to include changing outdoor bulletin or other similar signs which are designed to accommodate changeable copy.

Awning: means any flexible fabric or similar material covering a metal frame attached to a building.

Building, Front Line of, - The line of that face of the building or structure nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches whether enclosed or unenclosed, but does not include uncovered steps less than four feet above grade and eaves overhanging less than two feet.

Building Line - Is a vertical surface intersecting the ground along the line of the face of the building or structure nearest the front line of the lot.

Clear View Triangle - The area of visibility required for the safe operation of vehicles, pedestrians and cyclists in proximity to intersecting streets and driveways. The clear view triangle shall be regulated by AASTHO standards for signs and landscaping.

Nonconforming Sign or Sign Structure - A sign or sign structure or portion thereof lawfully existing at the time of its construction which does not conform to all height, area, yard spacing, animation, lighting or other regulations prescribed in the zone in which it is located.

Sign - A presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

The following are individual sign definitions which are specific types of signs included within the general definition above.

A-Frame / Sandwich Sign - Temporary and / or moveable sign constructed



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with two sides attached at the top so as to allow a sign to stand in an upright position.

Abandoned Sign - A sign which (a) identifies a discontinued use on the property or (b) has not been maintained for a period of 60 days, where conduct on the part of the sign owner or the person having control of the sign indicates an intention to relinquish ownership or title to the sign.



Animated Sign - (see also and note difference from changeable signs)

A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:

1. Naturally Energized: Signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.

2. Mechanically Energized: signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.

3. Electrically Energized: Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:

a. Flashing Signs: Illuminated signs exhibiting a preprogrammed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase), is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.

b. Illusionary Movement Signs: Illuminated signs exhibiting the illusion of movement by means of a preprogrammed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.



Attached Sign - means a wall sign, an integral roof sign, a

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window sign, marquee sign or a canopy sign.

Awning Sign - means any sign that is part of or attached to an awning

Canopy Sign - Means any sign which is a structure other than an awning which is made of cloth, metal, or other material with frames affixed to the building and carried by a frame which is supported by the ground. An awning sign is any sign which is a structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building. Marquee signs are any signs built on a permanent roof-life structure or canopy of rigid materials supported by and extending from the facade of a building. Suspended signs are signs which are anchored to a building and are free to hang from the structure to which it is attached.

Changeable Copy Sign - A sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means. Changeable signs include the following types:

1. Manually Activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.

2. Electrically Activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:

a. Fixed Message Electronic Signs: Signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.

b. Computer Controlled Variable Message Electronic Signs: Signs whose information content can be changed or altered by means of computer-driven electronic impulses.

Civic Sign - A sign erected by a public or non-profit agency, service club, etc., for civic or public information.

Construction sign - means a temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is



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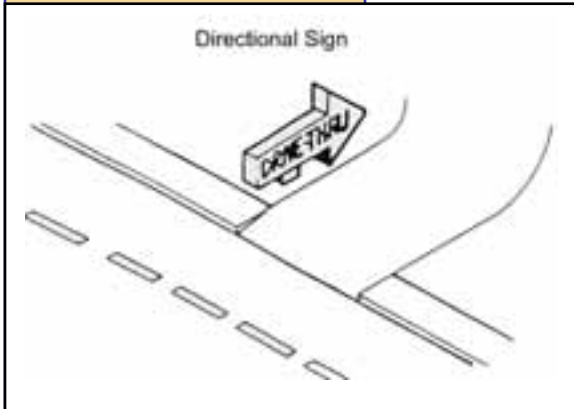
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active and prior to completion of the work for which the permit was issued, containing sign copy is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site.

Development Sign - An on-premise temporary sign identifying a construction project or subdivision development.



Drive-through menu sign means a sign placed so as to be viewed from a drive-through lane and which contains only a listing of the products, with prices, offered for sale by the business on which the sign is located and which may provide a mechanism for ordering the products while viewing the sign.

Electronic Message Sign or Center see "Changeable Signs, Electrically Activated

Entrance Sign - is a type of ground sign placed at the entrance of an office park, institutional use, industrial park, apartment development, shopping center or subdivision development

Exit Sign - is a type of ground sign placed at the exit of an office park, institutional use, industrial park, apartment development, shopping center or subdivision development

Facility Signs - Signs identifying churches, schools, public utilities, buildings and facilities, public-owned and operated properties, hospitals, homes for the aged, nursing homes, convalescent homes, private clubs, fraternal organizations and roadside stands.

Flashing Sign - see "Animated Sign, Electrically Energized

Flat Sign - A sign which is affixed to a building front which does not project more than eighteen (18) inches from the building or structure wall.

Free Standing Sign - A sign supported upon the ground by poles or braces and not attached to any building.

Illuminated Sign - A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.



Integral Roof Sign - means any sign erected or constructed as

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an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches. No integral portion of the roof shall extend more than five feet above the structural roof.

Mural Sign - A sign that is applied to a building wall with paint or a thin layer of vinyl, paper or similar materials adhered directly to the building surface that has no sign structure.

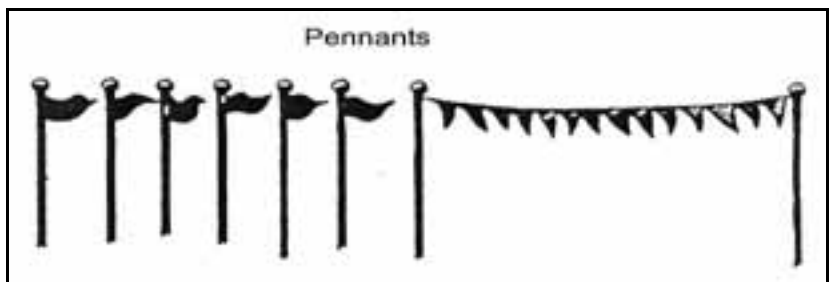
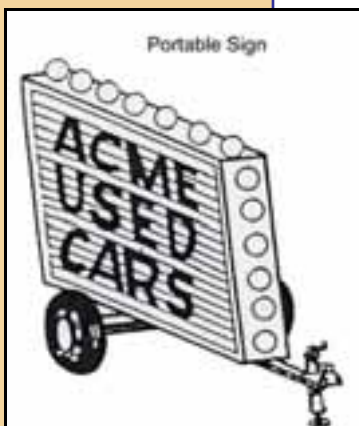
Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee Sign - means any sign attached to a marquee.

Monument Sign - A sign which is flush to the ground, and is incorporated into the landscape or architectural design scheme, and displays the name of buildings or occupants only.

Name Plate Sign - A sign indicating the name of a person legally occupying the premises.

On-premise Free-standing signs - On Premise Sign means any sign which directs attention to a use, product, commodity or service performed upon the premises on which it is located. Freestanding means a sign supported upon the ground by poles or braces and not attached to any building.



Pennant - means any series of small flag-like or streamer-like pieces of cloth, plastic, paper or similar material attached in a row to any staff, cord, building, or at only one or two edges, the remainder hanging loosely.

Portable sign - means any sign, banner, or poster that is not permanently attached to the ground or structure. For purposes of this division, a cold air inflatable sign shall be considered to be a portable sign.

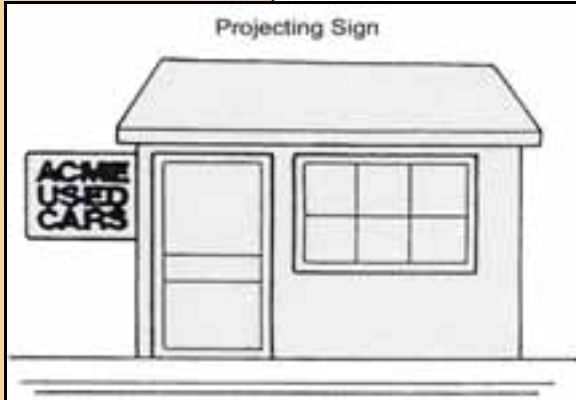
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Projecting Sign - A sign which is affixed to an exterior wall or building or structure and which projects more than eighteen (18) inches from the building or structure wall, and which does not extend more than three (3) feet above the parapet, eaves, or building facade of the building upon which it is placed.



Property Sign - A sign related to the property upon which it is located and offering such information as address, name of occupancy for residential uses, sale or lease of the property, warning against trespassing, any hazard, or other danger on the property.

Reader-board Sign - see "Changeable Signs, Manually Activated"

Real Estate Sign - One Real Estate sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not direct illuminated, does not exceed eight (8) square feet in area, and is removed within seven days after the sale, rental, or lease has been accomplished.

Roof Sign - A sign which is erected on or over the roof of the building. Notwithstanding the foregoing, a sign structure having main supports embedded in the ground shall not be considered to be a roof sign even if the sign's supports pass through a roof, canopy, or parapet of a building.



Service Sign - A sign that is incidental to a use lawfully occupying the property upon which the sign is located, and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc.

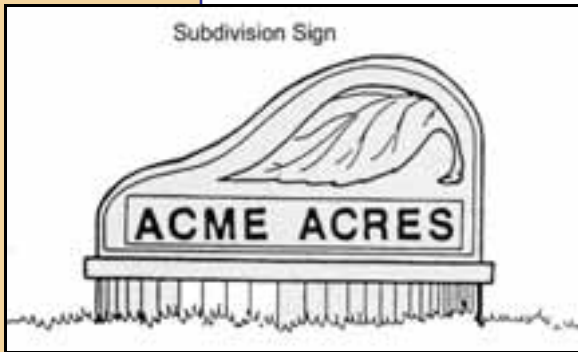
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Subdivision monument identification sign - means a monument sign which contains only the name of a platted subdivision or other residential development.



Suspended Sign - A sign that is suspended from the underside of a horizontal plane surface, such as a canopy or marquee and is supported by such surface.

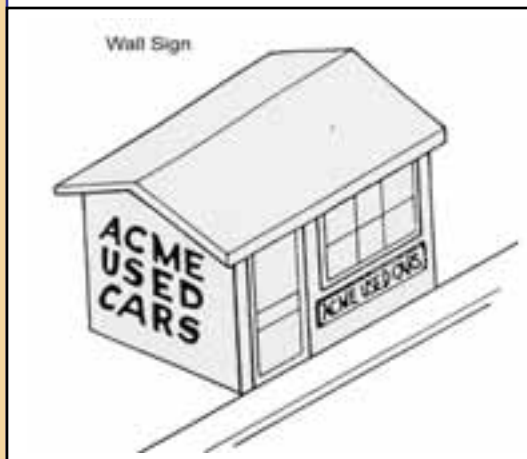
Temporary Sign - Any sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed out of doors for a period of 30 days.



Vehicle sign - means any sign or signs where the total sign area covers more than ten square feet of the vehicle.

Wall Sign - A sign that is painted or affixed to side wall, and not having a sign frame or separation from the wall or facing.

Warning sign or safety sign - means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).



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Window Sign - means a sign which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane with the plane of the building facade or wall,



Sign Area - The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign. Only one side of a back-to-back or double-faced sign shall be used in computing sign area when sign surfaces are parallel or diverge from a common edge by an angle of less than forty-five degrees. Sign area of signs in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shapes shall be computed as one-half (1/2) of the total surface area.

Sign Setback - The minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line.

Sign Structure - Anything constructed or erected supporting a sign which requires locations on or below the ground or attached to something having locations on or below ground.

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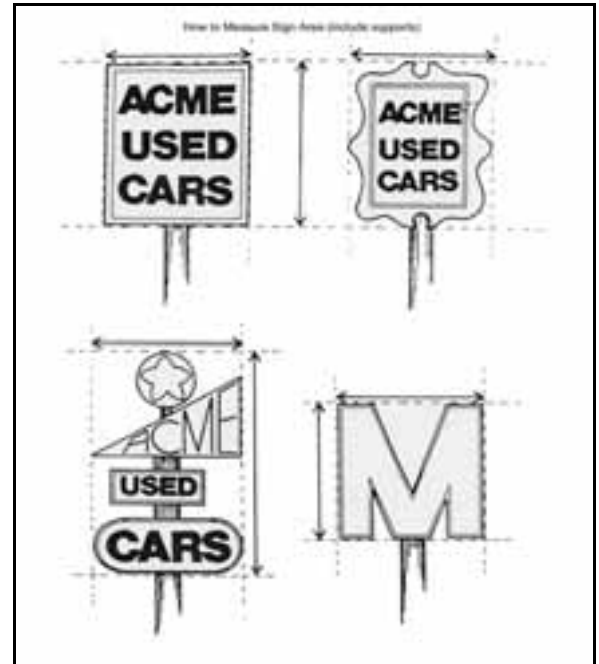
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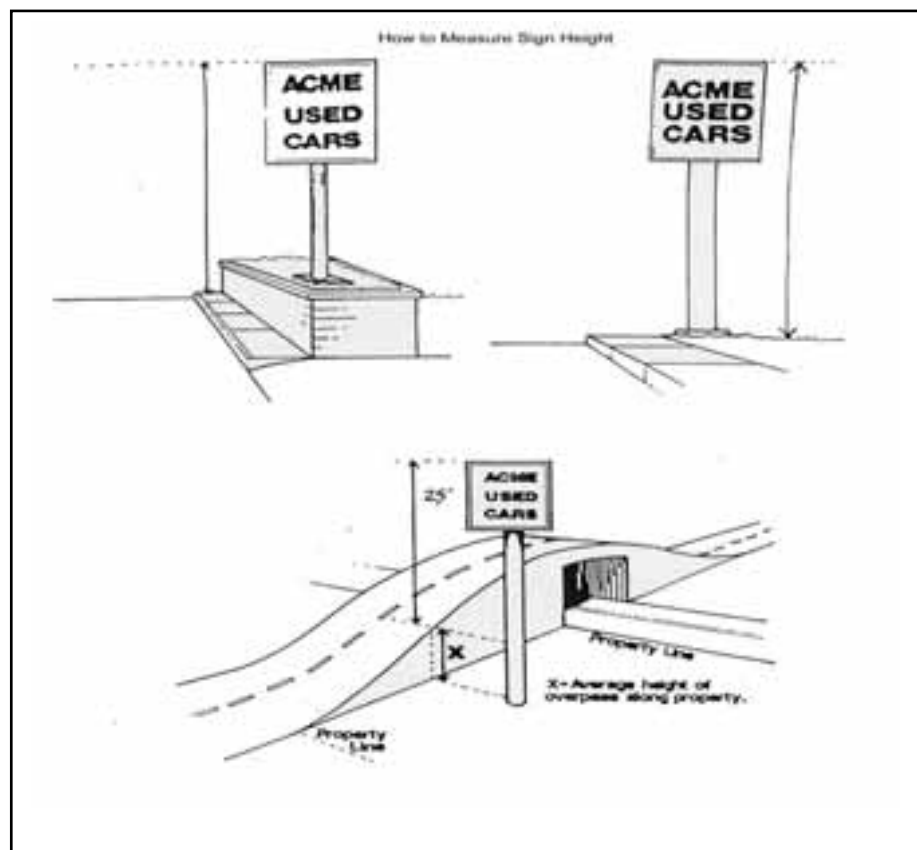
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Section 7-4 Illustrations

How to Measure a Sign:



How to Measure Sign Height:



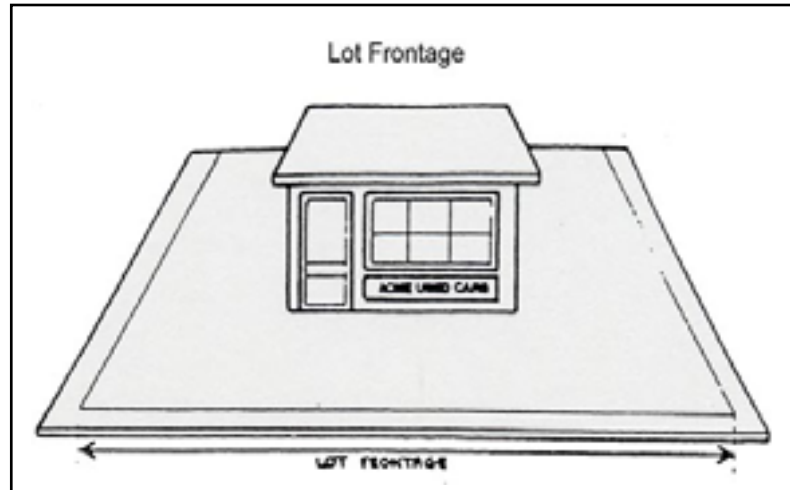
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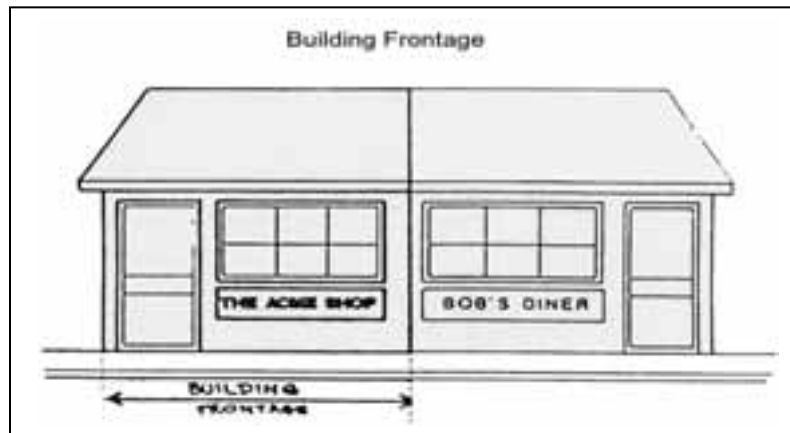
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Lot Frontage:



Building Frontage:



Section 7-5 Permits

1. Except as provided in this chapter, it shall be unlawful to display, erect, relocate, or alter any sign without first filing with the Building Inspector an application in writing and obtaining a sign permit. When a sign permit has been issued by the Building Inspector, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Inspector. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Building Inspector.

2. Application for Permit - The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to

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be located, or his authorized agent, or a license sign contractor. The application for a sign permit shall be accompanied by the following plans and other information:

- a. The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
- b. The location by street address of the proposed sign structure.
- c. Complete information as required on application forms provided by the Department of Zoning and Building Inspection, including a site plan and elevation drawings of the proposed sign, caption of the proposed sign and such other data as are pertinent to the application. Specifically, the elevation drawing shall show the type of sign, the sign display, the sign height and the sign area. The site plan shall include the proposed location of the sign in relation to the face of the building or to the boundaries of the lot on which it is situated, existing and proposed buildings or other structures, control curbs, and parking areas.
- d. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footing, and materials to be used.
- e. Application for an electrical permit for all electric signs if the person building the sign is to make the electrical connection.
- f. A statement of the total cost of erecting the sign.

3. Exceptions from Permit Requirements

- a. Excepted Changes - The following changes shall not require a sign permit. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.
 1. The changing of the advertising copy or message of a painted, plastic face or printed sign only. Except for signs specifically designed for the use of replaceable copy, electric signs shall not be included in this exception.
 2. The electrical, repainting, or cleaning maintenance of a sign.
 3. The repair of a sign.
- b. Excepted Types - The following types of signs are

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allowed without permit but otherwise subject to the regulations of this chapter.

1. On-premise advertising signs that are painted on windows or attached to windows or walls, clearly of a temporary nature and which promote specific sales.
2. Signs which are associated with public and quasi-public organization functions which are clearly of a temporary nature.
3. Interior signs.
4. Signs not exceeding two (2) square feet in area and bearing only property numbers, postal box numbers or names of occupants of premises.
5. Legal notices, identification, information or directional signs erected by governmental bodies.
6. Property signs with no more than six (6) square feet of area.
7. Service signs with no more than six (6) square feet of area.
8. Permanent signs painted or mounted to the interior or exterior of the windows.

4. Fees for Sign Permit - A fee as established by resolution of the City Council shall be paid to the City for each sign permit issued under this Ordinance.

5. Issuance and Denial - The Building Inspector shall issue a permit and permit tag for the erection, alteration, or relocation of a sign within ten days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the City. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied by the Building Inspector, he shall give a written notice to the applicant along with a brief statement of the reasons for denial. The Building Inspector may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

6. Permit Conditions, Refunds, and Penalties - If a permit is denied, the permit fee will be refunded to the applicant.

Section 7-6 General Sign Provisions

1. Traffic Hazard - Signs shall not:
 - a. be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision;

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or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or

b. make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbol or character in such manner as to interfere with, mislead or confuse vehicle operators.

2. Clearances and Setbacks

a. Signs less than three feet (3) in height may be placed in the clear view area.

b. Signs more than three (3) feet in height must have a front setback that shall be the same as for buildings in that zoning district or a front setback at least eighteen (18) inches from the front property line as measured from leading edge of the sign, whichever is greater. Sign shall also meet clear view requirements as detailed in sign definitions.

c. Signs over pedestrian ways shall have a clearance between the ground and the bottom of any projecting or free standing sign of not less than eight (8) feet.

d. Signs over private driveways for vehicular traffic shall have a minimum clearance of not less than fourteen (14) feet.

3. Signs On and Over Public Property - No sign shall be located on publicly owned land or inside street right-of-way except signs required and erected by written permission of the City Council. No projecting sign attached to a building shall project over public property except by written permission of the City Council. Free standing signs may not project over public property.

4. Prohibited signs.

The following signs and sign-types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign-type which is among the prohibited signs and sign-types listed below shall be deemed a nonconforming sign subject to the provisions of Section 7-7.

(a) Billboards; off-site signs.

(b) Revolving signs; rotating signs.

(c) Flashing signs.

(d) Animated signs.

(e) Wind signs.

(f) Portable signs, other than sandwich board signs as allowed within certain zoning districts pursuant to this chapter.

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- (g) Roof signs, other than integral roof signs in non-residential zoning districts.
- (h) Abandoned and discontinued signs.
- (i) Snipe signs.
- (j) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
- (k) Signs that have unshielded illuminating devices.
- (l) Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.
- (m) Any attached sign that exceeds one hundred (100) square feet in area.
- (n) Any freestanding sign that is higher than thirty-five (35) feet.
- (o) Any freestanding sign that exceed 295 square feet in sign area.
- (p) Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.
- (q) Any sign in the public right of way, other than traffic control device signs, warning signs or safety signs and subdivision monument identification signs specifically permitted by the Kanab City Planning and Zoning Commission..
- (r) Any sign other than a traffic control device sign that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or imitation of official traffic control device signs, and which is adjacent to the right-of-way of any road, street, or highway.
- (s) Any sign nailed, fastened or affixed to any tree.
- (t) Any sign prohibited by state or federal law.
- (u) Vehicle sign or signs which have a total sign area on any vehicle in excess of ten square feet, when the vehicle is not "regularly used in the conduct of the business" advertised on the vehicle, and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right of way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising, or (iii) for the purpose of providing transportation for owners or employees of the business advertised on the vehicle.

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(v) Any sign located on real property without the permission of the property owner.

(w) Home Occupation permitted under a conditional use permit (except Bed & Breakfast Inns).

5. Anchoring

a. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind.

b. All freestanding signs shall have self-supporting structures erected on or permanently attached to an acceptable foundation as determined by the IBC.

c. All portable signs on display shall be braced or secured to prevent motion.

6. Additional Construction Specifications

a. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

b. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the Kanab Building or Fire Prevention Codes.

c. Signs shall be located in such a way as to maintain horizontal and vertical clearance with all overhead electrical conductors in accordance with Electrical Code specifications, depending on voltages concerned.

7. Mobile Changeable Copy Sign - One mobile changeable copy sign may be used for the street frontage of a building, for a period of fourteen (14) consecutive days, not to exceed twenty-eight (28) days in a calendar year. Each sign shall require a sign permit for each period. Said signs shall be in full conformance with all building and electrical codes. Said signs shall not exceed thirty-two (32) square feet in size and six (6) feet in height, and shall conform with all setback, clearances, and other general provisions of this ordinance.

8. Maintenance - Every sign shall be kept in good condition as to maintenance and repair, including the replacement of defective parts, repainting and cleaning. The ground space within a radius of ten (10) feet from the base of any ground sign shall be kept free and clear of all weeds, rubbish and inflammable material.

9. Sign Removal - Signs identifying a discontinued use on the property shall be removed from the property within thirty (30)

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calendar days of the time the use was discontinued. A sign remaining thereafter shall be considered abandoned.

10. Repair of Building Facade - A damaged building facade as the result of the removal, repair, replacement or installation of any signs shall be repaired by the property owner within thirty (30) calendar days of the time the use was discontinued.
11. Nonconforming Sign - A nonconforming sign may not be moved to a new location, altered, enlarged, or replaced unless it be made to comply with provisions of this Chapter.

Section 7-7 Safety in Construction and City Non-Liability

1. Sign Erection Safety Precautions for Streets and Sidewalk - Whenever any sign or other advertising structure is erected in whole or in part on or over any public street or sidewalk, the person or persons performing the work shall, before proceeding to erect the same, take all precautions necessary to ensure the safety of persons and property on such street or sidewalk. Before hoisting any material whatsoever above the surface of any street or sidewalk or placing any material upon the traveled portion of any street or sidewalk, the persons or person performing such work shall exclude the traveling public from the portion of such street or sidewalk in which such work is to be done by means of suitable barriers, protected walkways and warning devices approved by the Building Inspection Department; and whenever the Department shall deem it necessary under the conditions then existing, shall provide a guard or guards to exclude all persons not concerned in the work from the portion of the street or sidewalk in which the work is to proceed. When hoisting any sign or advertising structure above the surface of any street or sidewalk, the same shall be accompanied by hoisting devices of approved design and adequate capacity to accomplish the work in accordance with approved engineering practices, all of which hoisting equipment shall be kept and maintained in good and workable condition.

2. City Non-liability - The City of Kanab, its Building Inspector and its other agents shall in no way be liable for any negligence of the owner, or the person responsible for the sign.

Section 7-8 Enforcement

1. Signs to Conform - A sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, unless in conformity with this Chapter.

2. Prohibited Signs to be abated - Signs prohibited under other laws or ordinances are also in violation of this Chapter and are subject to remedies herein provided. The non-conforming sign provisions of this Chapter shall not be applicable to such prohibited signs.

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3. Building Inspector - The Building Inspector employed by the City shall be responsible for inspecting signs as defined by this Chapter, and shall be authorized to enforce this ordinance, but the City Council of Kanab, by resolution or ordinance, may from time to time entrust such administration, in whole or in part, to any other office of City government without amendment to this ordinance.

4. Legal Action - The Building Inspector with the consent of the City Council shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is used in violation of any City Ordinance, to accomplish the following purposes:

a. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

b. To restrain, to correct or abate such violation.

c. To abate and remove unsafe or dangerous signs. If an unsafe or dangerous sign is not repaired or made safe within ten (10) working days after giving notice as provided below, the Building Inspector may at once abate and remove said sign and the person having charge, control or benefit of any such sign shall pay to Kanab City the costs incurred in removal within thirty (30) calendar days after written notice of the costs is mailed to such person.

d. Notification by the City shall mean written notice sent by certified mail to persons having charge or control or benefit of any sign found by the Building Inspector to be unsafe.

5. Immediate Hazard - In the case of an unsafe or illegal sign that is either an immediate hazard or whose primary purpose will have been served, at least in part, before the expiration of the notice period required herein, the Building Inspector may effect an immediate removal without notice, subject to a subsequent right of hearing by the person receiving benefits there from.

6. Notice of Non-Maintained Abandoned Sign - The Building Inspector shall require each non-maintained or abandoned sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefits of such structure within thirty (30) calendar days after notice of non-maintenance or abandonment is given to the owner, person having control or person receiving benefit of such structure.

7. Violation and Penalty - Any person, firm or corporation whether acting as owner or occupant of the premises involved or contractor or otherwise who violates or refuses to comply with any of the provisions

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of this title shall be guilty of a class B misdemeanor. A separate offense shall be deemed to be committed on each day an offense occurs or continues.

8. Right of Appeal - Any person who has been ordered by the Building Inspector to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the Board of Adjustment by serving a written notice to the City Recorder within ten (10) days of the order of the Building Inspector. Such notice shall be considered by the Board of Adjustments at its next regularly scheduled meeting. Upon filing of said notice of appeal, the Building Inspector shall take no further action with regard to any removal of the sign involved until the final decision of the Board of Adjustment on the appeal is known, unless the Building Inspector finds that the sign involved, by reason of its condition, presents an immediate and serious danger to the public, or comes within the provisions of Paragraph (5), above, in which case he shall proceed immediately as provided in this ordinance.

Section 7-9 Non-Conforming Signs

1. Any sign that was lawfully in existence at the time of the effective date of this Ordinance that does not conform to the provisions herein, and any sign that is accessory to a non-conforming use, shall be deemed a non-conforming sign and may remain on a lot of record, except as qualified in paragraph (2) below. No non-conforming sign shall be enlarged, extended, structurally altered or reconstructed in any manner.
2. Non-conforming signs may remain on a lot of record, provided they are kept in good repair, except for the following:
 - a. Change of Use. Whenever a change of use occurs upon a lot that contains a non-conforming sign, such sign shall not be permitted to remain without being modified in such a manner as to be in full compliance with these sign regulations.
 - b. Relocation. No non-conforming sign shall be moved for any distance on the same lot or to any other lot unless such changes in location will make the sign conform to the provisions of this Ordinance.
 - c. Damage or Destruction of Sign. A non-conforming sign that is destroyed or damaged to an extent exceeding 50 percent of its fair market value shall not be repaired, altered, replaced or reinstalled unless it is made to be in conformance with these regulations. If the damage or destruction is 50 percent or less of the fair market value, the sign may be restored within (1) one year of the destruction, but shall not be enlarged in any

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manner.

- d. Damage or Destruction of Use. A non-conforming sign shall be removed if the structure to which it is accessory is destroyed or demolished to an extent exceeding 50 percent of the principal structure's fair market-value.

Section 7-10 Specific Regulations for Each Zone

No person shall install or maintain any sign in the City of Kanab and in the zones listed, except as herein provided. Signs not allowed in the following sections are specifically prohibited.

Sign Types	Residential Zones			
	R-1-8	R-1-10	R-1-15	R-1-20
Name Plates ¹⁴	P	P	P	P
Property Signs ¹⁵	P	P	P	P
Civic Signs ¹⁶	P	P	P	P
Residential Monument Signs ¹⁷	C	C	C	C
Promotional Signs ¹⁸	P	P	P	P
Bed and Breakfast Inn Signs ¹⁹	C	C	C	C
Temporary Signs ²⁰	P	P	P	P
Real Estate Signs ²⁰	P	P	P	P

Sign Types	Residential Zones			
	R-M-7	R-M-9	R-M-11	R-M-13
Name Plates ¹⁴	P	P	P	P
Property Signs ¹⁵	P	P	P	P
Civic Signs ¹⁶	P	P	P	P
Residential Monument Signs ¹⁷	C	C	C	C
Promotional Signs ¹⁸	P	P	P	P
Bed and Breakfast Inn Signs ¹⁹	C	C	C	C
Temporary Signs ²⁰	P	P	P	P
Real Estate Sign ²⁰	P	P	P	P

P - Permitted C - Conditional Use - Not Permitted

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Sign Types	Residential Zones			
	R-M-15	M-H	M-H-E	MH-KCR
Name Plates ¹⁴	P	P	P	P
Property Signs ¹⁵	P	P	P	P ¹
Civic Signs ¹⁶	P	P	P	P
Residential Monument Signs ¹⁷	C	C	C	C
Promotional Signs ¹⁸	P	P	P	P
Bed and Breakfast Inn Signs ¹⁹	C	C	C	C
Temporary Signs ²⁰	P	P	P	P
Real Estate Sign ²⁰	P	P	P	P

Sign Types	Residential Zones		
	R-R-1	PD	RPA
Name Plates ¹⁴	P	P	P
Property Signs ¹⁵	P	P	P
Civic Signs ¹⁶	P	P	P
Residential Monument Signs ¹⁷	C	C	C
Promotional Signs ¹⁸	P	P	P
Bed and Breakfast Inn Signs ¹⁹	C	C	C
Temporary Signs ²⁰	P	P	P
Real Estate Sign ²⁰	P	P	P

P - Permitted C - Conditional Use - Not Permitted

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Sign Types	Commercial Zones			
	C1	C2	C3	C-PUD
A-Frame Sign/Sandwich ^{1,20}	-	P	P	-
Abandoned Sign	-	-	-	-
Animated Sign	-	-	-	-
Canopy (including Awning, Marquee, Suspended) Signs ^{1,13}	P	P	P	P
Changeable Copy Sign ^{1, 23}	C	C	C	C
Civic Sign ¹⁶	P	P	P	P
Development Sign ²⁰	P	P	P	P
Electronic Message Sign or Center ^{1, 23}	C	P	P	P
Entrance Sign ^{1, 2}	P	P	P	P
Exit Sign ^{1, 2}	P	P	P	P
Facility Sign ^{1,11}	P	P	P	P
Flat Sign ^{1,4}	P	P	P	P
Illuminated Sign ^{1,22}	P	P	P	P
Mural Sign ^{1,6}	C	C	C	C
Monument Sign ^{1, 9}	P	P	P	P
Name Plate Sign ¹⁴	C	P	P	P
On-Premise (Free Standing) Signs ^{1,10}	-	C	P	P
Projecting Sign ^{1,7}	-	-	P	P
Property Sign ^{1,3}	P	P	P	P
Reader Board Sign ^{1, 23}	C	C	C	C
Real Estate Sign ²⁰	P	P	P	P
Recreational Sign ^{1, 12}	-	C	P	-
Integrated Roof Sign ^{1,8}	P	P	P	P
Service Sign	P	P	P	P
Temporary Sign ²⁰	P	P	P	P
Wall Sign ^{1,5}	P	P	P	P
Window Sign	P	P	P	P

P - Permitted C - Conditional Use - Not Permitted

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Sign Types	Manufacturing Zones		
	M-1	M-2	M-3
Canopy (including Awning, Marquee, Suspended) Signs ^{1,13}	P	P	P
Changeable Copy Sign ^{1, 23}	C	C	C
Civic Sign ¹⁶	P	P	P
Development Sign ²⁰	P	P	P
Electronic Message Sign or Center ^{1, 23}	C	C	C
Entrance Sign ^{1, 2}	P	P	P
Exit Sign ^{1, 2}	P	P	P
Facility Sign ^{1,11}	P	P	P
Flat Sign ^{1,4}	P	P	P
Illuminated Sign ^{1,22}	P	P	P
Mural Sign ^{1,6}	C	C	C
Monument Sign ^{1,9}	P	P	P
Name Plate Sign ¹⁴	P	P	P
Property Sign ^{1,3}	P	P	P
Reader Board Sign ^{1, 23}	C	C	C
Real Estate Sign ²⁰	P	P	P
Integrated Roof Sign ^{1,8}	P	P	P
Service Sign	P	P	P
Temporary Sign ²⁰	P	P	P
Wall Sign ^{1,5}	P	P	P
Window Sign	P	P	P

P - Permitted C - Conditional Use - Not Permitted

1. Residential Areas:
 - a. When located on property butting a residential zone, signs shall conform to residential requirements with respect to lighting and animation.
 - b. No Freestanding Sign shall be allowed in any residential zone.
2. Entrance or Exit Signs - One entrance or exit sign may be permitted at each driveway entering or leaving the premises. Such signs shall not exceed three (3) square feet in area nor

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be more than six (6) feet in height from the ground.

3. Property Signs - No more than two signs offering the premises for sale, lease, or inspection by the public may be permitted, provided that the total area of each sign does not exceed twenty-four (24) square feet. Said signs may be modified to indicate that the property has been sold.
4. Flat Signs - May be permitted subject to the following provisions; Flat signs shall not exceed twenty (20) percent of the face of the front wall with one hundred (100) square foot allowable minimum whichever is greater). A sign shall not project more than 18 inches from the building or structure. A sign shall not rise above the roof line and may be lighted if the source of lighting is not visible.
5. Wall Signs shall conform to the following requirements: Wall signs shall not exceed forty (40) percent of the face of the side wall with one hundred (100) square foot allowable minimum (whichever is greater). Wall signs may be painted directly on wall surface or on sign board that is attached directly to the wall face. Wall signs shall not rise above roof line and may be lighted if the source of lighting is not visible.
6. Mural Signs shall conform to the following requirements: Mural signs shall not exceed (90) percent of the face of the side wall. Mural signs may be painted directly on surface or on sign board that is attached to wall face. Mural Signs shall not rise above roof line and may be lighted if the source of lighting is not visible.
7. Projecting Signs - Projecting Signs shall conform to the following requirements. A business with no front setback; one (1) projecting sign may be permitted and shall not exceed eighty (80) square feet. Business with front setback; one (1) projecting sign may be permitted. The sign shall not exceed one hundred (100) square feet. The sign may be doubled-sided and shall not rise more than three (3) feet above the roof line. The sign may be lighted if the source of lighting is not visible. (See Projection/Location below)
8. Roof Signs - Any sign erected over or on the roof of a building. Roof signs are allowed on a case by case basis.
9. Monument Signs shall conform to the following requirements.
 - a. Maximum sign area is eighty (80) square feet.
 - b. Number of signs: There may be one (1) sign for each frontage of property, plus one (1) additional sign for each (100) foot increment of said frontage in excess of one hundred (100)

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- feet.
- c. No sign shall interfere with the public right-of-way or clear view area.
- d. Maximum sign height including base is (12) feet.
- 10. On-Premise Freestanding Signs shall conform to the following requirements:
 - a. Signs shall not exceed thirty five (35) feet in height.
 - b. Number of signs: There may be one (1) such sign for each frontage of property plus one (1) additional sign for each one hundred (100) feet of said frontage in excess of the initial one hundred (100) feet.
 - c. Adjoining properties: Said sign shall be no closer than twenty-five (25) feet from adjoining commercial properties. Signs shall be separated by fifty (50) feet.
 - d. Area of sign: Shall be determined by the following: Frontage of the lot in lineal feet. Only one (1) sign shall be permitted not to exceed one hundred (100) square feet and shall be permitted for parcels with one hundred (100) lineal feet of frontage or less. Thereafter the area of the sign may be increased by ten (10) square feet for each additional ten (10) feet of frontage beginning with one hundred ten (110) feet of frontage.
 - e. Maximum sign face shall not exceed one hundred eighty five (185) square feet. If larger signs are requested for lots over two hundred fifty (250) lineal feet frontage, signs may be permitted with a conditional use permit. Area of sign may be increased above the one hundred eighty five (185) square feet by ten (10) square feet for each additional twenty five (25) feet of frontage beginning with two hundred fifty (250) feet of frontage. Maximum sign face shall not exceed two hundred ninety five (295) square feet. Signs shall be separated by at least one hundred (100) feet. Such signs shall be no closer than fifty (50) feet from adjoining commercial properties. Maximum number of signs per parcel is two (2).

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- f. No sign shall project over a property line interfering with the public right of way.
- g. Freestanding signs may be double sided and may be lighted if the source of lighting is not visible.
- h. Where freestanding signs overhang a sidewalk they shall have a minimum clearance of eight (8) feet and a minimum of fourteen (14) feet over driveways.
- i. Reader Boards. Changeable copy areas and electronic message centers may not exceed 50% of total sign copy area.
- j. No Freestanding Sign shall be allowed in any residential zone.

11. Facility Signs shall conform to the following requirements:

- a. Such signs shall not exceed twenty-four (24) square feet in area and shall contain no advertising copy. It shall be located on the property to which it pertains and the number shall be limited to one.
- b. Such signs may be illuminated but the source of illumination shall not be visible and shall be without animation. It may be free-standing or placed against the wall of a building, but no higher than twelve (12) feet above grade and not above the roof line. When free-standing it shall be parallel with the street, and it shall not be located in or project into any required setback.

12. Recreational Signs - Signs identifying golf courses, parks, tennis courts, public riding stables, boarding stables, and similar recreational facilities, shall conform to the following requirements:

- a. Such signs shall not exceed forty-eight (48) square feet in area and may be illuminated, but the source of illumination shall not be visible and shall not be animated. Such sign shall contain no advertising copy. A rock structure is not considered sign area.
- b. There may be two (2) signs per entrance to said facility, and the sign may be double-faced, if only one sign is requested. Signs must be located on the property to which it pertains. It may be a free-standing, flat, wall or monument type sign and shall meet the specification for the type of sign as described in this ordinance.

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13. Canopy (including awning, marquee, suspended) Signs shall conform to the following requirements:
 - a. Canopy signs may be permitted only through conditional use process.
 - b. Marquee signs only (in this section) will allow reader boards, changeable copy areas and electronic message centers, but such may not exceed fifty (50) percent of the total sign copy area.
14. Name Plates - One lighted or unlighted name plate identifying the occupancy of the premises of maximum area of two (2) square feet. All RM zones: (1) residential sign not to exceed eight (8) square feet for name and address of a multiple family, residential building. Sign shall not advertise a home occupation.
15. Property Signs - No more than one property sign shall be permitted. Property signs may also be modified to indicate that the property has been sold, provided that the total area for any one sign does not exceed six (6) square feet.
16. Civic Sign - One (1) civic sign not to exceed (16) square feet in sign areas.
17. Residential Monument Signs - Two monument type subdivision identification signs will be allowed in a residential or other subdivision provided that these signs,
 - a. Are located a minimum of ten (10) feet from front property lines.
 - b. Are limited to sixty-five (65) square feet in area for each sign.
 - c. Contains no animation.
 - d. Have no visible source of illumination.
 - e. Are limited to six (6) feet in height.
18. Promotional Signs for Residential Developments - One promotional sign per subdivision shall be allowed, not located in any required setback, not exceeding twelve (12) feet in height and not containing more than thirty-two (32) square feet. Projects with more than ten (10) dwelling units may have an additional two (2) square feet of sign area per unit up to a maximum of 100 square feet.
19. Bed and Breakfast Inn Sign - A Bed and Breakfast Inn established by a conditional use permit may have a sign of not more than four square feet attached to the building, or mounted on a wooded post a maximum of six feet (6) in height,

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parallel to the street, and set back at least fifteen feet (15) from the curb line.

20. Temporary Sign - Animated illumination or lighting shall not be employed. Permits for any temporary sign shall not exceed sixty (60) days in a calendar year. It shall be the responsibility of the applicant to remove temporary signs and support structures upon expiration of the permit period. Temporary signs shall not be allowed in landscaping or beautification areas.
- a. **Development sign** - One (1) residential development sign shall be permitted as defined under Development Signs.
 - b. **Real estate signs.** For each parcel within the city, one real estate sign may be displayed on each parcel of land or part thereof that is for sale, lease, or rent; however, when more than one dwelling unit or non-residential space on a parcel of land is for sale, lease, or rent, there may be one real estate sign for each such unit or space. Real estate signs shall not exceed three square feet in sign area for residential properties, and sixteen square feet in sign area for nonresidential properties. The real estate sign shall be removed immediately upon the sale, lease or rent of the real estate that was offered for sale, lease, or rent.
 - c. **Temporary garage-yard sale signs.** For each parcel with a lawful residential use, one temporary garage-yard sale sign may be displayed. A temporary garage-yard sale sign shall not exceed four square feet in sign area. A temporary garage-yard sale sign may not be displayed for a period longer than two days during any calendar month and shall be removed upon the conclusion of the sale.
 - d. **Temporary grand opening signs.** For each new business or business name change, one temporary grand opening sign shall be permitted for thirty days after the issuance of an occupational license for the new business or the business name change. A temporary grand opening sign shall not exceed twelve square feet in sign area. A temporary grand opening sign may be a temporary covering, such as a toaster cover, sign boot, or sign sock, which

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covers an existing permitted attached or freestanding sign.

- e. **Temporary promotional signs.** For each parcel within the city, one or more temporary promotional signs may be displayed.
- f. **Temporary holiday and seasonal decorations.** Temporary holiday and seasonal decorations shall be allowed in all districts.
- g. **A - Frame (Sandwich) Signs.** May be permitted on commercial property subject to the following conditions:
 - 1. Placed in accordance with the clear view requirements of this ordinance.
 - 2. Sandwich Board Signs are self-supporting A-shaped freestanding temporary signs with only two visible sides that are situated adjacent to a business, typically on a sidewalk, that contains commercial speech.
 - 3. The maximum area shall be thirty-two (32) square feet per side of sign with the maximum height being (48) inches and shall not exceed three (3) signs.
 - 4. Acceptable primary sandwich board sign materials include the following: steel, iron, metal, and wood.
 - 5. Sandwich board signs shall be calculated as part of the allowed permanent signage.
 - 6. Sandwich Board Signs shall not be placed so as to cause the width of the sidewalk to be reduced, nor shall they be erected or maintained in a manner that prevents free ingress or egress from any drive, door, window or fire escape.
 - 7. Sandwich board signs shall not be illuminated, nor shall they contain moving parts or have balloons, streamers, pennants, or similar adornment attached to them. Attaching sandwich board signs to structures, poles, objects, signs, etc. by means of chains, cords, rope, wire, cable, etc. is prohibited. Signs shall only be displayed during business operating hours.

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8. Sandwich board signs within the public right-of-way may be moved / removed by the City for municipal purposes. (i.e. code enforcement, snow removal, traffic issues, maintenance, etc.).

9. Right of Way along Highway 89, SR11 is under the jurisdiction of the Utah Department of Transportation, Kanab City enforces its own sign regulations along those streets in addition to those of other agencies or jurisdictions.

21. Development Signs shall conform to the following requirements:

- a. The sign may contain the name of the project, name and address of the construction firm (s), architect, and developer.

22. Illuminated Signs:

- a. Backlit - The lighting of a sign from behind, through a semi-transparent material, to make the sign copy visible.
- b. Illumination - The lighting of a sign from outside of the sign by directing light onto the sign face.
- c. Floodlighted - The display of an image or copy, by projection, upon a surface or building face.
- d. Indirect - A source of external illumination located away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.
- e. Internal - A source of illumination entirely within the sign that makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.
- f. Internal/Indirect - A source of illumination entirely within an individual letter, cabinet or structure that makes the sign visible at night by means of lighting the background upon which the individual letter is mounted. The letters are opaque, and thus are silhouetted against the background. The source of illumination is not visible.

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- 23.** Changeable Copy Signs / Reader Board Sign / Electronic message signs or centers:
- a. Electrical: The electrical components of signs are regulated by the currently adopted edition of the National Electric Code. All electrical signs must bear the U.L. label.
 - b. Electronic message signs or centers are regulated per its applicable sign type, i.e., freestanding or wall-mounted.
 - c. Time and Temperature Signs shall follow the following guidelines.
 - 1. The sign area shall not exceed six (6) square feet.
 - 2. The square footage shall be deducted from the total square footage calculation allowable for the property or business.
 - 3. The sign shall not have constantly moving or flashing lights.
 - 4. The message shall change no more than once every (15) fifteen seconds.
 - d. Changeable copy sign:
 - 1. If a single use site, a maximum of one (1) changeable copy signs shall be permitted, this may be part of either a freestanding sign or a wall sign;
 - 2. If an integrated center, either one (1) changeable copy sign shall be permitted as part of a freestanding sign, or each individual use within an integrated center shall be permitted one (1) changeable copy sign as part of a wall sign;
 - 3. A changeable copy sign may be used as part of either a freestanding sign or as part of a wall sign, but not both; and,
 - 4. The changeable copy sign shall not exceed forty (40) percent of the sign surface area of the permitted sign, provided, however, an Electrically Activated Message Sign shall not exceed twenty (20) percent of the sign surface area of the permitted sign.

Chapter 8

CONDITIONAL USES

**An ordinance
which provides
for certain uses
which may be
harmonious
under special
conditions and in
specific locations
to be permitted.**

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Section 8-1 Purpose of Conditional Use Provisions

Certain uses which may be harmonious under special conditions and in specific locations within a district, but be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits for approval.

Section 8-2 Permit Required

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this Ordinance. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the certificate. No building permit or other permit or license shall be issued for a use requiring conditional use without first being approved by the Kanab City Planning Commission.

Section 8-3 Application

1. A conditional use permit application shall be made to the Kanab City Planning Commission as provided in this Ordinance. Applications for a conditional use permit shall be accompanied by maps, drawings, statements, or other documents as required by the Kanab City Planning Commission.

2. Notification of Planning Commission meeting may be mailed to all property owners appearing on the latest ownership plat in the Kane County Records Office within a 140 foot radius of any property for which an action of the Planning Commission is being requested. The applicant for this service shall pay an administrative fee.

Section 8-4 Fee

The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the Kanab City Council.

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Section 8-5 Development Plan

The applicant for a conditional use permit shall prepare a site plan with elevations (as may be necessary) for the site being proposed for development. The plan shall be drawn to scale and show all existing and proposed buildings, roads, parking, and other information that the Kanab City Planning Commission may deem necessary.

Section 8-6 Planning Commission and City Council Action

1. The Planning Commission or City Council shall approve a Conditional Use Permit if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In approving any Conditional Use Permit the Planning Commission or City Council may impose conditions deemed necessary to protect the public welfare, ensure compatibility with other uses in the vicinity, and ensure that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include the following:

- a. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
- b. All required public facilities have adequate capacity to serve the proposed conditional use;
- c. Limiting the hours, days, place and/or manner of operation;
- d. Requiring larger setback areas, lot area, and/or lot depth or width;
- e. Limiting the building height size or lot coverage, and/or location on the site;
- f. Designating the size, number, location and/or design of vehicle access points or parking areas;
- g. Requiring street right-of-way to be dedicated streets, sidewalks, curbs, planting strips, pathways, or trails to be improved provided that:
 1. an essential link exists between a legitimate governmental interest and each exaction; and
 2. each exaction is roughly proportionate, both in nature and extent to the impact of the proposed development;

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- h. Requiring landscaping, screening, drainage, water quality facilities and/or improvements of parking and loading areas;
 - i. Limiting the number, size, location, design, and/or intensity of outdoor lighting;
 - j. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
 - k. Requiring and designating the size, height, location and/or materials for fences;
 - l. Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands;
 - m. Requiring the protection and preservation of groundwater recharge areas;
 - n. Limiting noise generation;
 - o. Minimizing environmental impacts to identified wetlands;
 - p. Turn-lane improvements at street intersections when:
 - 1. an unsafe condition would be created by the development without the improvements; or
 - 2. The projected increase in traffic generated by the new or expanded use will lower the level of service;
 - q. Providing for emergency access;
 - r. Requiring pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks;
 - s. Requiring approval of septic and of water systems;
 - t. Requiring buildings to be built to specific requirements.
2. In approving or recommending approval of a conditional use permit, the Kanab City Planning Commission or City Council shall find:
- a. That the proposed use is necessary or desirable and will contribute to the general well-being of the community.
 - b. That the use will not be detrimental to the health, safety, or welfare of persons residing, or working in the vicinity, or injurious to property or improvements in the vicinity.

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- c. That the proposed use will comply with the regulations of this Ordinance.
- d. That the proposed use is in harmony with the intent and purpose of the Kanab City Master Plan or that the plan shall have first been amended through public hearing.

Section 8-7 Expansion of a Conditional Use

No use or structure in which a conditional use is located may expand without the approval of the Kanab City Planning Commission or the Kanab City Council. Before expanding, the applicant shall present to the Kanab City Planning Commission a Development Plan meeting the requirements of 8-5 above. No public hearing need be held. However, the Kanab City Planning Commission may deem a hearing necessary.

Section 8-8 Inspection

Following the issuance of a conditional use permit by the Kanab City Planning Commission, the Kanab City Building Inspector shall approve an application for a building permit, and shall insure that development is undertaken and completed in compliance with said conditional use and building permit.

Section 8-9 Revocation

A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit and the applicant shall be so notified of revocation by the City of Kanab. The permit may be reinstated upon determination by the Kanab City Planning Commission that the cause for revocation has been corrected and that the applicant intends to proceed according to the plans approved by the Kanab City Planning Commission at the time the permit was originally issued, or as they might have been properly amended by the Kanab City Planning Commission from time to time during the period of the conditional use. Revocation or reinstatement of a conditional use permit for a Planned Development, Mobile Home Subdivision, Mobile Home Park, or Recreational Coach Park is the responsibility of the Kanab City Council.

Chapter 9

DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

**An ordinance
to insure orderly
and harmonious
appearance of
buildings and
structures and
the development
of land.**

Adopted January 22, 2008

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Section 9-1 Purpose

The purpose and intent of design review is to secure the general purposes of this Ordinance and the Kanab City General Plan and to insure that the general appearance of buildings and structures and the development of the land shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in the occupation of the neighborhood.

Section 9-2 Application and Review

All applications for building permits for all buildings and structures, except for single-family dwellings and their accessory buildings, shall be accompanied by architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, clear view triangle for streets and driveways, fences, off-street parking and circulation, location and size of the adjacent streets, north arrow and property lines, drawings of the major exterior elevations, the building materials, proposed exterior color scheme, existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the Kanab City Planning Commission, except that the review and approval of such permits by the Kanab City Zoning Administrator may be authorized by the Kanab City Planning Commission when the application meets all requirements of this Ordinance. All of the above required architectural and site development plans shall have been reviewed and approved prior to

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the issuance of a building permit.

Section 9-3 Exceptions

For buildings and uses covered by conditional use permits and Planned Development, design review shall be incorporated within such conditional use permit and Planned Development and need not be a separate application, provided the requirements of this Chapter are met.

Section 9-4 Planning Commission Approval

The Kanab City Planning Commission, or the Kanab City Zoning Administrator when authorized by the Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with this Chapter and with the general objectives of this Ordinance, and shall give or withhold approval accordingly. Denial or approval by the Kanab City Planning Commission may be appealed to the Kanab City Council, as provided for in the appeals section of this Ordinance.

Section 9-5 Consideration in Review of Applications

The Kanab City Planning Commission and the Kanab City Zoning Administrator, when authorized, shall consider the following matters, and others when applicable, in their review of applications:

1. Considerations relating to traffic safety and traffic congestion.
 - a. The effect of the site development plan on traffic conditions on abutting streets.
 - b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
 - c. The arrangement and adequacy of off-street parking facilities.
 - d. The location, arrangement, and dimensions of truck loading and unloading facilities.
 - e. The circulation patterns within the boundaries of the development.
 - f. The surfacing and lighting of off-street parking facilities.
2. Consideration relating to outdoor advertising. The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development.
3. Considerations relating to buildings and site layout.
 - a. Consideration of the general silhouette and mass,

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including location on the site, elevation, and relation to natural plant coverage, all in relationship to the neighborhood.

b. Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street (or streets), line and pitch of roofs, and the arrangement of structures on the parcel.

Section 9-6 Landscaping Requirements

1. Public Right Of Way: The public right of way shall be landscaped with two inch (2") caliper trees and approved landscaping as described in Section 9-6(8).

2. Street Frontage Landscaping: In addition to the landscaping required in the public right of way, a minimum six foot (6') wide landscaped area shall be installed along the entire frontage of the parcel. Driveways and sidewalks shall be allowed to cross this six foot (6') wide landscaped area. The Planning Commission may revise the landscaping plan to ensure the purposes of this chapter are substantively met.

4. Landscape Plan Required: A landscape plan including a mix of landscape elements is required for all developments. The front, side, and rear yards of lots shall be landscaped and properly maintained with:

a. Living plant materials (e.g., lawn, ground cover, annual and perennial flowering plants, desert plants, vines, shrubs, trees and other plant materials.) planted directly on the property and kept free from all hard surfaces.

b. Use of water (e.g., pools fountains, falls and streams) and sculptures may be included as landscape design materials.

c. Paving materials (e.g., bricks, pavers, flagstones, textured concrete) may be included upon approval of the Planning Commission if they create a useful open space, add color or texture to the design, and create visual interest.

d. Landscaping rocks, gravel or wood chips may be used, provided such area does not cover more than twenty five percent (25%) of the area required to be landscaped. If more than twenty five percent (25%) is desired, approval must be given by the Planning Commission.

5. All areas in a development not approved for parking, buildings, or other hard surfacing, shall be landscaped and properly maintained with landscaping materials approved in conjunction with a Site Plan.

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6. A minimum of one (1) canopy tree in each landscaped area, within a project boundary, shall be required in addition to other trees required in this Title as determined by Planning Commission.

7. Plastic Or Artificial Materials Prohibited: Landscape plants shall not include plastic or other artificial materials.

8. Minimum Plant Sizes: The following minimum plant sizes shall be used:

Landscape Element (Plants)	Minimum Size At Planting
Shade tree	2 inch caliper, balled and bur lapped
Ornamental tree	2 inch caliper, balled and bur lapped
Evergreen tree	7 feet in height, balled and bur lapped
Shrub	5-gallon container
Perennial or ornamental grass or ground cover	10 square foot area
Notes: 1. All calipers are measured 1 foot above the finish planting grade. 2. Root barriers shall be installed for all new trees planted adjacent to existing or proposed sidewalks and paving. 3. Building sidewalks on beds of course gravel will cause tree roots to grow deeper - they will not grow through and lift sidewalk.	

9. Retention Of Existing Trees And Plants: Existing trees, native vegetation and rare plants shall be retained wherever possible and may be accepted in lieu of new plantings, unless they are an undesirable species.

10. Energy Efficiency: All landscaping shall be designed to consider the site and surrounding properties by addressing sun, shade and wind for increased energy efficiency.

a. Landscaping shall provide a mix of deciduous trees, evergreens, ornamental plants and ground cover to provide year around screening.

b. Deciduous trees shall be included for providing shade in parking lots and around structures. Large trees are encouraged for maximum shade canopy.

c. Evergreen trees shall be included for windbreaks, screening and accent purposes.

11. Spacing: Trees may be grouped together or spaced evenly as approved in the site plan.

12. Xeriscape is encouraged.

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13. Clear View Triangle shall be observed in regard to all vegetation near streets and drives. No evergreen trees shall be planted within any sight triangle. The maximum height of any berm, fences, signs or vegetative ground cover at maturity within the view triangle is two feet (2'). The Clear View Triangle is the area of visibility required for the safe operation of vehicles, pedestrians and cyclists in proximity to intersecting streets and driveways. The clear view triangle shall be regulated by AASTHO standards for signs and landscaping.

14. Trash Enclosures: Five foot (5') landscaping strips are required around all trash enclosures except the gate side.

15. Monument Signs: Five foot (5') landscaping strips shall be provided at the base of all monument signs.

16. Installation And Maintenance: Installation of required landscaping shall be the responsibility of the property owner.

a. All plant materials shall be planted according to industry standards, using acceptable topsoil and automatically controlled permanent irrigation systems.

b. All proposed plant material shall be in accord with the American association of nurserymen standards in terms of size, character and quality.

c. All plant materials required within a landscaped area shall be planted to completion prior to the city's issuance of a certificate of occupancy.

d. Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.

e. All plant materials shall be pruned, trimmed, watered and otherwise maintained to create an attractive appearance and a healthy growing condition. No trees shall be severely pruned or topped.

f. Dead, diseased, stolen or vandalized plant materials shall be replaced by the next planting season.

g. Property owners shall keep landscaped areas free of weeds and trash.

Section 9-7 Conditions

The Kanab City Planning Commission, or the Kanab City Zoning Administrator when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the consideration of this Chapter as the Kanab City Planning Commission or Kanab City Zoning Administrator deem reasonable and necessary under the circumstances to carry out the intent of this

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DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

Chapter.

Section 9-8 Findings and Decisions

Upon a finding by the Kanab City Planning Commission or the Kanab City Zoning Administrator, when authorized, that the application meets the intent of this Chapter, the design approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied.

Section 9-9 Notification of Approval or Denial

Upon the granting of design approval, the secretary of the Kanab City Planning Commission shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereof, or the fact of denial and the reasons therefor.

Section 9-10 Time Limitations on Approval

If construction in harmony with the permit for any development for which design approval has been granted has not been commenced within one (1) year from date of notification of approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the Kanab City Planning Commission, or the Kanab City Zoning Administrator, when authorized.

Section 9-11 Transfer of Approval Upon Change in Use

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the Kanab City Planning Commission, or the Kanab City Zoning Administrator, when authorized to do so. If the transfer is not approved, a new application must be filed.

Section 9-12 Conformance to Approval

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

Section 9-13 Modifications

Upon request of the applicant, modifications in the approved plan may be made by the Kanab City Planning Commission or the Kanab City Zoning Administrator when authorized to do so, if it is found that the modifications will meet the requirements of this Chapter. The Kanab City Planning Commission may revoke or modify a design approval which does not conform to any requirements of the approved permit.

Section 9-14 Performance Guarantees

1. Application. Wherever a performance guarantee is required

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DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

under the terms of this development code, said guarantee shall be submitted in conformance with this chapter.

2. Type and Amount of Guarantee. All performance guarantees shall be posted in the form of a performance bond, an escrow account or an irrevocable letter of credit. Whichever form of performance guarantee is employed for any development project, the performance guarantee shall be made through an adequate and appropriate agency acceptable to the City. The amount of the guarantee shall include at least one hundred and twenty five percent (125%) of the cost of all materials and labor for the work to be performed as established by the city engineer and the costs of administration by the City.

3. Duration of Guarantee. The duration of the performance guarantee shall be for the period of time specified for completion of required improvements and any extensions to such period as may be approved by the City Council. The date of beginning of the durability performance period shall be the date of acceptance of the improvement by the City Council.

4. Partial Releases Permitted. Where a guarantee is provided for the purpose of ensuring the timely installation of required improvements, the city may authorize a partial release of the guarantee. The amount of any partial release shall be in an amount commensurate with the estimated cost of the completed improvements, as determined by the City Engineer, less a holdback of ten percent (10%).

5. Final Disposition and Release.

a. Request: At the completion of the work, the subdivider shall submit to the city one copy of a written notice of completion, copies of lien releases from all suppliers of materials and subcontractors, and a request for release. Following receipt of the notice and request, the City Engineer shall make a preliminary inspection of the improvements and shall submit a report to the city council setting forth the condition of such facilities.

b. Acceptable Condition: If the condition of said improvements is found to be satisfactory and all liens are paid, the city council shall act to accept the improvements and authorize release of the remainder of the guarantee.

c. Unacceptable Condition: If the condition of material or workmanship shown unusual depreciation or does not comply with the acceptable standards of durability, or if there are any outstanding liens, or if any other terms of the guarantee have not been satisfied, the matter shall be referred to the City Council, and in accordance with the provisions of Section 9-

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DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS

14-6 of this chapter, the City Council may declare the developer in default and take such actions as are determined necessary to secure performance.

6. Default. Where, in the opinion of the City Council, a developer fails or neglects to satisfactorily install the required improvements or make required corrections, or to pay all liens in connection with said improvements, make payment to the city for administration and inspections, or otherwise fails in carrying out the activity for which the performance guarantee was required, the city council may, after a public hearing with due notice on the matter, declare the performance guarantee forfeited and thereafter may install or cause the required improvement to be installed using the proceeds from the guarantee to defray the costs; provided, that the city shall not be responsible for work beyond the limits of the bond amount. Any funds remaining after completion of the required improvements will be returned to the developer.

7. Time Limit for Installation; Performance Guarantee.

a. All required improvements not in place prior to the approval of the final plat by the city council shall be installed by the developer as required by City Ordinances following the date of final plat approval; provided, however, that upon a showing of good and sufficient cause (i.e., lateness of the final approval date, unexpected delays, etc.), the city council may extend the date of completion or authorize a longer period of time for completing construction of part or all of the uncompleted improvements.

b. A performance guarantee securing the installation of all required improvements which have not been completed and accepted by the city council prior to final plat approval shall be required as a condition of final plat approval. The performance guarantee shall be in accordance with City Ordinances.

Section 9-15 Reimbursement for Off Site Improvements

1. Reimbursement shall be allowed for off site improvements which are required as a condition of approval of a subdivision. Whenever an extension of any required off site improvement benefits property contiguous to the extension, other than property owned by the developer, the City will enter on its records the amount of the actual cost of the extension across the benefited property. The owner of the benefited property shall reimburse the developer the charges assessed against such benefited property for a period of thirty (30) years from the date of completion and acceptance of the extension by the City. All reimbursable improvements under this section shall be constructed to the fullest extent of the improvement, including, but not limited to, full width and fully improved rights of way.

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2. The amount of the reimbursement to be paid by a benefited property shall be determined by an engineer's estimate submitted to the City on a per linear foot basis. The extension reimbursement charge shall be paid before any service connection is made to the benefited property and shall be in addition to all other fees and charges.

Section 9-16 Minimum Improvements

1. All required improvements not in place prior to the approval of the final plat by the city council shall be installed by the developer as required by City Ordinances following the date of final plat approval; provided, however, that upon a showing of good and sufficient cause (i.e., lateness of the final approval date, unexpected delays, etc.), the city council may extend the date of completion or authorize a longer period of time for completing construction of part or all of the uncompleted improvements.

2. A performance guarantee securing the installation of all required improvements which have not been completed and accepted by the city council prior to final plat approval shall be required as a condition of final plat approval. The performance guarantee shall be in accordance with City Ordinances.

3. Included Minimum Improvements: The minimum improvements shall include:

- a. Streets and travel ways, and including provisions for stabilization and re-vegetation of cut and fill slopes.
- b. Water and sewerage mains and facilities.
- c. Fire hydrants.
- d. Any required drainage or flood control structures.
- e. Any required restoration of cut and fill slopes.
- f. The costs of installing landscaping and common facilities within any common open space area.
- g. Secondary irrigation water system.

Section 9-17 Maintenance of Improvements Required

All improvements, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the City or accepted for ownership or maintenance by the City shall be perpetually maintained by the owners or their agents through a special taxing district, owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City Council.

Chapter 10

PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

**An ordinance
to provide
necessary control
methods for
protection from
hazards and
nuisances.**

Adopted January 22, 2008

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Section 10-1 Purpose

To permit potential nuisances from industrial or other uses to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.

Section 10-2 General Provisions

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbances; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements." No use shall be undertaken or maintained unless it conforms to the regulations of this Section in addition to the regulations set forth for the district in which such use is situated.

Section 10-3 Performance Standards Procedure

The Kanab City Planning Commission or the Kanab City Zoning Administrator, when authorized, may require performance standards review for any use in any district when he has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards of this Chapter.

Section 10-4 Enforcement Provisions Applicable to All Uses

Initial and continued compliance with performance standards is required of every use; and provisions for enforcement of continued compliance with said standards shall be invoked by the Kanab City

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PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

Planning Commission or the Kanab City Zoning Administrator, when authorized, against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

Section 10-5 Nonconforming Uses

For purposes of this Ordinance, any use established before the effective date of this Ordinance and nonconforming as to performance standards shall have five (5) years in which to conform therewith.

Section 10-6 Determinations for Enforcement of Performance Standards.

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

1. In any district, except a Manufacturing District, at the lot line of the establishment or use.
2. In a Manufacturing District at one or more points five hundred (500) feet from the establishment or use, or at the boundary or boundaries of the District, if closer to the establishment or use, or at the closest point within an adjacent district other than a Manufacturing District.

Section 10-7 Dangerous and Objectionable Elements

1. Odors - No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one (1) volume of odorous air to four (4) of clean air at the point of greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system, so control will be maintained if primary safeguard system should fail.
2. Glare - No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted. This restriction shall not apply to signs or lighting of buildings or grounds for protection as otherwise permitted by the provisions of this Ordinance.
3. Fire and Explosion Hazards - All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion.
4. Radioactivity or Electronic Disturbances - No activities shall be permitted which emit dangerous radio-activity at any point, or electrical disturbance adversely affecting the operation of any

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PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

equipment other than that of the creator of such disturbance.

5. Smoke - No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with air pollution provisions of the Utah State Board of Health.

6. Fly Ash, Dust, Fumes, Vapors, Gases, and Other forms of Air Pollution - No emission shall be permitted except in accordance with air pollution provisions of the Utah State Board of Health.

7. Liquid or Solid Wastes - No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the State Department of Health or standards equivalent to those approved by such Department. No materials or wastes shall be deposited on any property by natural causes or forces, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.

Chapter 11

SENSITIVE LANDS

An ordinance to regulate development in sensitive areas and to preserve Kanab's unique visual character, conserve the public health, safety, and general welfare, and promote environmentally sound design and planning.

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Uniform Zoning Ordinance

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Section 11-1 Purpose

The purpose of this section is to regulate development in sensitive areas in order to preserve the City of Kanab's unique visual character, conserve the public health, safety, and general welfare, and promote environmentally sound design and planning. The mountains and hills constitute a significant natural topographic feature of the community and create a desirable setting, visible to the entire city. In order to insure the preservation of the hillsides, the regulations of this section are established to recognize that development of land in hilly or mountainous areas involves special considerations and unique situations which result from the slope of the land. These special considerations and unique situations include, but are not limited to, increased hazards to development from rock falls, storm water runoff, and geologic hazards. In addition, steeply sloped land presents design limitations to roadways, cuts and fills, and buildings, and difficulties in providing public services.

1. With the enactment of this Chapter 11, the Kanab Municipal Council intends to:

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SENSITIVE LANDS

- (a) Protect life and property from all potentially hazardous conditions particular to hillsides such as rock falls, storm water runoff, and mass movements;
- (b) Preserve and enhance the scenic and environmental resources of the landscape by encouraging the maximum retention of prominent natural topographic features, such as drainage swales, streams, slopes, ridgelines, rock outcroppings, vistas, natural plant formations, and trees;
- (c) Encourage innovative site and architectural design and planning in order that the development adapts to the natural terrain and is harmonious with the character of the area;
- (d) Minimize grading and cut and fill operations consistent with the retention of the natural character of the hillside;
- (e) Minimize storm water runoff and erosion problems incurred by the development on and off the site;
- (f) Preserve, where possible, natural streams, ponds and associated riparian vegetation;
- (g) Require the retention of trees and other vegetation which stabilizes steep hillsides, retains moisture, prevents erosion, and enhances the natural scenic beauty and to require additional landscaping where it is necessary;
- (h) Encourage the retention of trees and other vegetation throughout the site instead of just in the periphery area of the development and to require that graded areas be reasonably distributed throughout the project site;
- (i) Encourage minimal grading which relates to the natural contour of the land, which will round off sharp angles at the top and bottom of cut and fill slopes in a natural manner thereby avoiding unreasonable "padding" or "staircase" effects;
- (j) Provide land use densities to promote the best possible development of hillside areas in order to retain significant natural features;
- (k) Encourage road design which follows the natural topography wherever possible in order to minimize cutting and grading; and
- (l) Preserve predominant views from and of the hillside areas in order to retain the sense of identity and imagery that the hills and mountains now impart to the City of Kanab.
- (m) Place the liability and expense of evaluating the condition of potentially unstable land, and determining restrictions which should be placed on its development, upon geologists or engineers employed by the landowner;

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- (n) Implement the Kanab City General Plan by restricting the use of land to those uses which do not present unreasonable risks to persons or property because of geological and natural hazards and/or geotechnical limitations;
- (o) Prevent fraud in land sales relating to the geologic or other condition of real property; and
- (p) Authorize a governmental function of regulation within the Utah Governmental Immunity Act.

Section 11-2 General Provisions

To insure that a proposed development in sensitive land areas reflect the best interests of the City, all grading or other improvement of any land, including, but not limited to, land in approved subdivisions or other development plans, shall conform to the development standards, guidelines, and criteria of this Chapter, the provisions of which are intended to minimize floods, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas not suitable for development, and to insure the efficient expenditure of public funds. The policies to be achieved by this Chapter shall include, but not be limited to, the following:

1. Encourage only minimal grading which relates to the natural contour of the land and which will round off, in a natural manner, sharp angles at the top and ends of cut and fill slopes, and which does not result in a "staircase" or "padding" effect.
2. Require retention and protection of trees and other vegetation which stabilize steep hillsides, retain moisture, prevent erosion, enhance the natural scenic view, and where necessary, require additional landscaping to enhance the scenic and safety qualities of the hillside.
3. Require immediate planting wherever appropriate to maintain necessary cut and fill slopes, to stabilize them with plant roots, to conceal the raw soil from view and to minimize erosion.
4. Preserve natural drainage channels as determined by the City.
5. Encourage retention of natural landmarks and prominent natural features, wildlife habitat, and open space.
6. Preserve and enhance the visual and environmental quality through the use of natural vegetation and prohibition of excessive excavation and terracing.
7. Protect the public from natural hazards of storm water run off and erosion by requiring drainage facilities.
8. Minimize the threat of fire damage by establishing fire protection measures.

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9. Establish land use management that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.

10. Encourage a regard for the view of the foothills as well as view from the foothills.

11. Minimize public exposure to geological and natural hazards including, but not limited to, snow avalanche, rock slides, rock falls, debris flow, debris floods, flooding, land sliding, surface fault rupturing and/or deformation along primary and secondary fault traces and ground failure associated with soil liquefaction, by identification, mitigation and/or avoidance of such hazards in conjunction with development proposals.

12. Minimize potential property losses related to geotechnical limitations including, but not limited to, expansive or collapsible soils, non-engineered fills and shallow groundwater conditions.

Section 11-3 Definitions.

Buildable Area - That portion of a lot or parcel which is eligible to place a building or structure and complies with the setbacks and other regulations of the zone where the property is located.

Excavation - The mechanical removal of earth material.

Fill - A deposit of earth material by artificial means.

Foothill - A hill at the bottom of a higher mountain or mountain range and forming part of the approaches to it

French Drain - A sump or trench filled with crushed rock or gravel intended to receive storm water discharge.

Geologic Report - A report that shall include maps and a report, as required by Section 11-10.

Geotechnical Engineer - A civil engineer registered in the State of Utah with training and experience in soil engineering.

Grading - Any excavating or filling or combination thereof.

Grading Plans A topographic development plan prepared by a registered civil engineer showing contours for before and after grading which do not exceed one-foot intervals.

Hazardous Conditions - Flood plain area, sensitive land, and land with a high water table which if disturbed is likely to be detrimental to life or property.

Hill - A landform that extends above the surrounding terrain, in a limited area.

Hillside - The slope or side of a hill

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Hillside Area - Any lot or parcel with an average slope greater than ten percent (10%).

Letter Report - A simplified geologic report used in relation to areas of relatively stable soil and rock as required by Section 11-9.

Natural Features - Non-man-made land characteristics, including drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

Natural State - That portion of any lot or parcel which cannot be subjected to grading, removal of vegetation or building development.

Open Space - Primary and secondary conservation areas and other land conserved or set aside from development such as but not limited to public or private parks, trails, landscaped buffers, wetlands, meadows, forested areas, pastures, farm fields and other lands forming part of the ecologically connected matrix of natural areas significant due to wildlife habitat, water quality protection and other reasons.

Sensitive Lands - Any land area whose destruction or disturbance could immediately affect the life of the community by either:

1. creating hazardous conditions such as flooding and landslides;
2. destroying important public resources such as water supplies and the water quality of lakes and rivers; or
3. wasting important productive lands and renewable resources.

Site - Any lot or parcel of land.

Slope - An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In this Ordinance, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A fifty (50) percent slope, for example, refers to a 100-foot rise in elevation over a distance of 200 feet. A fifty (50) percent slope is expressed in engineering terms as a 2:1 slope.

Subsurface Drainage - Any system of pipes, canals, ditches, moats, and the like that intercepts ground water and carries it to Kanab Creek.

Surface Drainage - Water run-off caused as a result of precipitation or irrigation.

Wetlands - Lands that are generally inundated or saturated by surface or ground water at a frequency or duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

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Section 11-4 Actions Prohibited

Notwithstanding any other provision of the Kanab City Code it shall be unlawful to grade, fill, or excavate any land in any manner which presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition, and it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation because of:

1. a high water table (water close to the surface);
2. surface water;
3. expansive soils;
4. collapsible soils;
5. proximity to a potential landslide area;
6. proximity to a secondary fault;
7. proximity to an alluvial fan;
8. proximity to an active landslide;
9. steep slopes; or
10. any other unsafe condition.

Section 11-5 Presumption

Conditions described on geologic hazard maps and aerial topography maps maintained by the City Zoning Administrator, together with explanatory material appurtenant thereto, shall be presumed to exist.

Section 11-6 Procedure to Develop Real Property

1. It shall be unlawful to grade, fill, or excavate any land or to erect any structure without doing the following:
 - a. Obtaining the acknowledgment of the City Zoning Administrator that any letter report (a letter report is described in Section 11-10, Kanab City Code), or geologic report (a geologic report is described in Section 11-10, Kanab City Code), required by the City Engineer pursuant to this Chapter, has been received and meets the requirements of Section 11-8, Kanab City Code. (The giving of this acknowledgment by the City Zoning Administrator shall not be an approval of or acquiescence to the content or conclusions of the letter report or geologic report. A letter report or geologic report shall be considered part of the public record and may be copied by any person.)
 - b. Except as provided in Section 11-11, Kanab City Code, by grading, filling, or excavating land or erecting a structure only as described in the letter report or geologic report which

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has been acknowledged by the City Zoning Administrator. (A proposal for which a letter report or a geologic report is not required may be implemented as described in the proposal.)

c. By executing and recording the restrictive covenant required by Section 11-15, Kanab City Code. (This Subsection does not apply if no letter report or geologic report is required.)

2. Obtaining a grading permit from the City Zoning Administrator. Submittal of an acceptable erosion control and re-vegetation plan shall be required before the grading permit is approved.

3. In addition to the provisions of this Chapter, all grading, filling, or excavation of land or erection of any structure shall comply with all other applicable provisions of these Ordinances.

4. Those parts of any proposal to construct improvements such as roads, sewer lines, or water lines, or other improvements which are intended to be placed in public ownership shall be subject to the approval of the City Engineer.

5. Those parts of any proposal to develop real property which jeopardizes the public's health, safety, or welfare or significantly interferes with established long term development plans of Kanab City shall be subject to the approval of the City Engineer after consultation with the appropriate City department.

6. No building permits shall be issued until the requirements of this Chapter are met.

Section 11-7 Preliminary Determination by City Engineer.

All proposals to grade, fill, or excavate land or to erect a structure for human habitation (sometimes referred to herein as the "proposal") shall be referred to the City Engineer who shall make a preliminary determination by reference to the maps and materials maintained in the City's Engineer's office if any of the unsafe physical conditions described in Section 11-2, Kanab City Code, appear to exist in relation to the real property which is included in the proposal.

Section 11-8 Requirement to Submit Letter Report or Geologic Report

1. Except as otherwise provided in Subsection (3), if the City Engineer determines in the manner described in Section 11-6, Kanab City Code, that no unsafe physical condition described in Section 11-2, Kanab City Code, appears to exist in relation to the subject property, the proposal with respect to which the subject property is associated may proceed, as proposed, subject to the other requirements of these Ordinances.

2. If the City Engineer determines in the manner described in Section 11-6, Kanab City Code, that an unsafe physical condition

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described in Section 11-2, Kanab City Code, appears to exist in relation to the subject property, the developer shall submit a geologic report, prepared by a qualified engineering geologist and/or a soils report prepared by a qualified geotechnical engineer and otherwise comply with the remainder of this Chapter.

3. With respect to any proposal not requiring a geologic report, the City Engineer may require the developer to submit a letter report to resolve issues with respect to the condition of the subject property. A letter report may be required even if the maps and materials maintained in the office of the City Engineer do not show any of the unsafe conditions described in Section 11-2, Kanab City Code. The City Engineer may withhold the determination described in Section 11-6, Kanab City Code, until the letter report has been received, and based on information in the letter report, the City Engineer may, for good cause, require the submission of a geologic report.

Section 11-9 Letter Report - Contents

1. A letter report is a simplified geologic report used in relation to areas of relatively stable soil and rock. It shall contain not less than the following:

- a. An analytical geologic description of the subject property in relation to the development which is proposed thereon, and in relation to adjoining property;
- b. A description of any requirements or restrictions which should be imposed on the proposal to avoid violation of the provisions of Section 11-2, Kanab City Code;
- c. A geologic sketch map and/or a geologic structure section diagram, if relationships are complex and difficult to describe in writing; and
- d. The original signature and the registration number of the responsible engineering geologist or geotechnical engineer, and a statement of the methods of study and approximate amount of field time spent by said geologist or engineer in the preparation of the subject letter report.
- e. The letter report shall include other information as the City Engineer shall reasonably require.

Section 11-10 Geologic Report.

1. A geologic report shall include maps and a report containing not less than the following information:

- a. The maps shall include:
 - i. The site location and regional setting of the subject property.

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ii. A site specific geologic map which illustrates exposure to geological and natural hazards identified in Section 11-2, Kanab City Code, and the geotechnical limitations identified in Section 11-2, Kanab City Code. The map shall illustrate the proposed site modifications relative to geological and natural hazards and/or geotechnical limitations that may impact the site. Any corrective site modification actions necessary to mitigate or avoid hazards or limitations shall be clearly identified on the map.

iii. Maps shall use a scale of one (1) inch equaling one hundred (100) feet, with contour lines at five (5) foot intervals. Existing contours shall be shown by dashed lines and proposed contours shall be shown as solid lines. Boring logs, cross-sections, test trench logs, soil sample descriptions, and test results shall be included.

iv. The City Engineer may require additional maps or additional detail on existing maps as reasonably necessary to evaluate actual or potential geologic hazards.

b. The report shall include:

i. A description of the proposed grading, filling, excavation, or structure;

ii. An analysis of the effects of the proposed grading, filling, excavation, or erection of a structure in relation to the geologic conditions shown in the geologic maps;

iii. With regard to a structure, an analysis of the manner in which the same, as constructed, will be made reasonably safe for human habitation;

iv. Any corrective or remedial action necessary to avoid a violation of Section 11-2, shall be described and analyzed in detail;

v. A list, including title, author and date, of all prior studies or reports which are relied upon to make this report; and

vi. The City Engineer may require additional information or analyses which are reasonably necessary to evaluate actual or potential geologic hazards. This includes submittal of geologic reports to the State Geologist for review and comment.

2. If the geologic report (maps and report) relates to land having

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a slope that exceeds ten percent (10%), the development proposal described in the geologic report shall conform to the provisions of Section 11-17, Kanab City Code.

3. In the case of a proposal to grade, fill, or excavate, which is not directly or indirectly related to a proposal to erect a structure for human habitation, the City Engineer may waive compliance with any requirement of this Section not relevant to the proposed grading, filling, or excavating.

Section 11-11 Engineer/Geologist Qualifications and Certificate

1. A letter report (described in Section 11-9, Kanab City Code) or a geologic report (described in Section 11-10, Kanab City Code) shall be approved and signed by one (1) of the following, whose primary area of expertise is required to address the particular issue:

a. a geotechnical engineer who shall be a registered professional engineer in the State of Utah, qualified by training and experience in the application of the principles of soil mechanics to foundation investigation, slope stability, and site development; or

b. an engineering geologist who shall be a graduate in geology or engineering geology from an accredited university with at least five (5) years of professional geologic experience of which at least three (3) full years shall be in the field of engineering geology.

2. A letter report or a geologic report shall contain the following certificate:

CERTIFICATE

I hereby certify that I am a geotechnical engineer or an engineering geologist, as those terms are defined in Section 11-11, of the Ordinances of Kanab City. I have examined the letter report/geologic report to which this certificate is attached and the information and conclusions contained therein are, without any reasonable reservation not stated therein, accurate and complete. All procedures and tests used in said letter report/geologic report meet minimum applicable professional standards.

Signature

3. In addition to any applicable private civil remedies, it shall be unlawful to knowingly make a false, untrue, or incomplete statement in a letter report or a geologic report or to sign the certificate described above knowing the same to be materially false or not true.

4. In general, it shall be the responsibility of a qualified engineering geologist to perform fault studies and landslide investigations, while it shall be the responsibility of a qualified

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geotechnical engineer to prepare soils and foundation studies, particularly addressing such issues as expansive and collapsible soils, liquefaction evaluations and engineering aspects of landslide studies.

Section 11-12 Post Construction Inspection and Certification

For any real property with respect to which development has proceeded on the basis of a letter report or a geologic report which has been acknowledged by the City Engineer, no final inspection shall be completed or certificate of occupancy issued or performance bond released until the engineer or geologist who signed and approved that letter report or geologic report shall further certify that the completed improvements and structures conform to the descriptions and requirements contained in said letter or report. Provided, however, that improvements and structures may, with the consent of the City Engineer, deviate from the descriptions and requirements contained in the letter report or geologic report because of conditions which are discovered after acknowledgment by the City Engineer of the letter report or geologic report.

Section 11-13 Appeal from Decision of City Engineer

Any person dissatisfied with a decision of the City Engineer made under this Chapter, may appeal the same within thirty (30) days thereof to the Appeal Office created by the International Building Code, which Board is by this Chapter authorized to hear appeals from decisions of the City Engineer, which Board shall affirm or reverse, either in whole or in part. Any person dissatisfied with a decision of the Board of Appeals may appeal that decision within thirty (30) days thereof to any court of competent jurisdiction for an administrative and not a de novo review.

Section 11-14 Scope of Application

No subdivision or other development plat or plan with a slope between ten (10) and forty (40) percent shall be approved without compliance with the provisions of this Chapter. Every proposal to grade, fill, or excavate land, and every proposal to erect a structure for human habitation, garage or accessory building shall be subject to this Chapter, including proposals related to land in subdivisions.

Section 11-15 Restrictive Covenant Required.

1. If a letter report or a geologic report has been submitted to the City Engineer, no subdivision or other development plat or plan shall be approved and no building permit shall be issued for construction of a structure until the owner(s) of the subject real property have signed and delivered to Kanab City a restrictive covenant in a form suitable for recording containing not less than the following:

- a. A complete description of the geologic condition of the subject real property, including references to relevant reports

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and studies;

b. A description of the grading, filling, or excavating or erection of a structure for human habitation, garage or accessory building approved in the letter report or geologic report which has been acknowledged by the City Engineer, together with the requirements and restrictions imposed thereon;

c. A covenant and agreement enforceable by Kanab City, adjoining landowners, and any subsequent owner of the subject real property that only the grading, filling, or excavating or erection of a structure in the acknowledged letter report or geologic report will be constructed or maintained without further compliance with this Chapter, as it may be amended from time to time.

Section 11-16 Civil and Criminal Fraud.

It shall be unlawful for any person, including the seller or the seller's representative, directly or indirectly in connection with the sale or offering for sale of real property located in Kanab City, to make any untrue statement of a material fact related to the geologic condition of the subject property. This Section shall be construed to create private and public civil causes of action in addition to creating criminal liability.

Section 11-17 Hillside Development Standards.

1. Grading.

a. No grading, filling, or excavation of any kind shall be accomplished without first having obtained a grading permit from the City Engineer based on the provisions of this subsection (1).

b. Any land or parcel having a slope of greater than ten (10) percent shall be deemed to be land having a "steep slope" within the meaning of this Chapter. No person shall be permitted to grade, excavate, fill, or to erect any structure on such land that exceeds a slope greater than forty (40) percent. Any person proposing to grade, excavate, fill or to erect any structure or access on any slope or hillside with a slope between ten (10) and forty (40) percent shall be required to submit a geologic report which meets the standards and requirements of this Chapter. A geologic report may not be required if a geologic report relating to the subject property has, at an earlier date, been accepted and approved by the City Engineer. Approval shall only be given through a conditional Use Permit by the Kanab City Planning Commission for any development that exceeds a ten (10)

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percent slope. Development between thirty (30) and forty (40) percent shall not exceed one (1) unit per two (2) acres. A continuous slope surrounding Kanab City is considered a Hillside and shall not be graded or developed, in any way above a contour that exceeds a forty (40) percent slope. Foothill areas below the forty (40) percent contour line contain a variety of slopes and development in those areas shall be approved through a conditional use permit as stated above.

c. All preliminary street and site grading shall be completed prior to the installation of utilities.

d. Fills in areas intended as structural foundations, including roadways, shall be compacted to at least ninety-five (95) percent of AASHTO (American Association of State Highway Transportation Officials) T180 density. All other fills shall be compacted to at least ninety (90) percent of AASHTO T180 density. Test reports verifying compliance with this provision shall be submitted to the City Engineer by the developer, at the developer's expense.

e. Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the hillside area of Kanab City for access purposes.

f. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible. The City will not accept the dedication and maintenance of cut and fill slopes except those within the required street right-of-way. Where a cut or fill slope occurs between two (2) lots, the slope shall normally be made a part of the downhill lot.

g. Grading, cuts and fill to obtain access to developable property above a ten (10) percent slope shall be approved through a conditional use permit by Kanab City Planning Commission.

h. Sections of the International Building Code regulating excavation and grading shall be complied with, except that decisions described therein to be made by the "building official" may also be made by the City Engineer.

2. Site elements shall include:

- a. Retaining walls that blend with natural topography.
- b. Planting near retaining walls.
- c. Minimum lighting needed for pedestrian safety.

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- d. Building should compliment character of hillside.
 - e. Large areas of formal landscaping are prohibited.
 - f. Grading should be minimized in areas where the slope is greater than thirty (30) percent.
 - g. Drainage channels should receive a naturalizing treatment including native rock and landscaping.
 - h. Use of natural building materials to blend in with the surroundings.
 - i. Smaller roof components so structure appears less intrusive.
 - j. The maximum height of buildings shall not exceed the height allowed in the zoning/overlay district.
3. Drainage.
- a. Required storm water runoff collection facilities shall be designed so as to retain storm water runoff on development sites for a sufficient length of time so as to prevent flooding and erosion during storm water runoff flow periods.
 - b. Required storm water runoff collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill. French drains are not acceptable.
 - c. Curb, gutter, and pavement designs shall be such that water on roadways is prevented from flowing off the roadways.
 - d. Natural drainage shall be rip rapped or otherwise stabilized to the satisfaction of the City Engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
 - e. Waste material from construction, including soil and other solid materials, shall not be deposited within a natural or manmade drainage course nor within irrigation channels.
 - f. Sediment catchment ponds shall be constructed downstream from each development, unless sediment retention facilities are otherwise provided.
4. Vegetation and Re-vegetation.
- a. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes.
 - b. Areas not contained within lot boundaries shall be protected with adapted, fire-resistant species of perennial vegetation cover after all construction is completed. A list of acceptable species is available from the City.

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- c. New planting shall be protected.
 - d. All disturbed soil surfaces shall be stabilized before final acceptance of the development by the City.
 - e. The developer shall be fully responsible for any destruction of native vegetation which is required to be retained in all areas under the ownership and control of the developer. The developer shall carry the responsibility for such areas both for the developer's own employees and for all subcontractors from the first day of construction until final acceptance of the development by the City. The developer shall be responsible for replacing such destroyed vegetation.
 - f. Prior to the termination of the bonding period, any dead plant materials required to be installed by the Developer shall be replaced and a new bond issued to assure establishment of the replaced materials.
5. Fire Protection.
- a. Lot size and potential placement of buildings thereon shall be such that adequate clearance of hazardous, flammable vegetative cover may be accomplished.
 - b. All easements for firebreaks for safety of built-up areas shall encompass access for firefighting personnel and equipment and such easements shall be dedicated for this specific purpose by being recorded.
 - c. The inability to provide fire line water pressure consistent with the standards set by the Insurance Service Organization shall be justification for denial of a development request.
6. Streets.
- a. All streets within a hillside area shall be designed to meet the standards required for streets in all other areas of the City except that sidewalks of not less than six (6) feet in width may be required on one (1) side of streets within a hillside area.

Section 11-18 High Water Table, Wetland Area and Natural Drainage Development Standards.

1. Development in high water table and wetland areas shall be subject to the following standards:
- a. Wetlands and natural drainages shall not be included as part of any buildable development unless allowed to be mitigated pursuant to applicable law. Lots within the RA (Residential Agriculture) or (Agricultural) zones, may include

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wetlands as part of the lot provided there is sufficient buildable area to accommodate the proposed use.

b. Wetlands may not be included in area requirements for lots or for calculation of density.

c. Where determined by the Planning Commission or designee, wetland areas may be required to be fenced if found to be detrimental to public health, safety or welfare.

d. Prior to the acceptance by the City of a petition for rezoning of property in the designated area, or before the submission of an application for preliminary development plan in the designated area, it must be demonstrated to the satisfaction of the City Engineer that the conditions and requirements contained herein can be met. Such petition, submission, or application shall be made through the City. A pre-development conference with the Development Committee and developer shall be required to review any proposed plans.

e. Prior to acceptance by the City of an application for preliminary development plan in the specified area, it must be demonstrated to the satisfaction of the City that all of the conditions specified in this Chapter have been fully met and accomplished.

f. Surface or subsurface drainage from any development within the subject area shall be transported to either Kanab Creek, Jackson Reservoir and shall not be deposited, collected, or stored upon the property being developed or upon other properties within the subject area.

g. Drainage water from the proposed new development will not be placed upon or pass through other properties, except:

i. Where a preexisting drainage system of adequate capacity is legally available for use; or

ii. Where a permanent drainage easement of a size sufficient to carry projected flows has been obtained and a statement from the owners of both the host and guest properties recorded on proper deeds in the Office of the County Recorder specifying the following:

(a) That the City will be held harmless from all damages or injury resulting from water pollution and flooding from drainage crossing said property.

(b) That the property owner will allow the owner of the easement to enter onto said

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property to maintain the drainage facility on said easement.

(c) That the drainage channel can be placed in a pipe or culvert at such time as deemed appropriate by the owner of the easement.

h. Drainage from the proposed new development will not be placed in an irrigation ditch or irrigation canal, originally constructed for irrigation purposes, except where permission, in written and recorded instruments (i.e., easements) running with the land, has been granted by the subject irrigation company and/or all water users below the proposed development on the specific ditch or canal specifying the following:

i. That the City will be held harmless from all damage or injury resulting from flooding, water pollution, or high ground water from drainage in the ditch or canal.

ii. That the irrigation ditch or canal can be placed in a pipe or culvert at a time deemed necessary by the owner of the easement.

iii. That the owner(s) of property which is the subject of a development plan may be required to provide, and record with the County Recorder, a statement holding the City harmless from all damage within the project resulting from flooding or high water table.

iv. That a disclosure statement may be required to be placed upon all subdivision and development plats in the subject area, stating that the subdivision or development lots are in an area potentially subject to flooding from high water table.

v. That drainage easements be granted to the City within the proposed development, as determined by the City Engineer, and drainage facilities be installed as part of the development at developer's expense.

i. No building shall be allowed to be constructed in a high water table area of the City where the building proposed to be built includes a basement, (basement equals usable floor area below sidewalk level) except according to the following standards:

i. Prior to the issuance of the building permit, the owner(s) shall produce a statement which has been

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recorded on proper deeds in the Office of the County Recorder stating that the City will be held harmless from all damages or injury resulting from flooding in a high water table area.

ii. Prior to the issuance of any building permit with a basement, the developer therefore shall submit to the Building Inspector a certificate from a registered professional engineer indicating the method or design to flood proof the basement except where prohibited by subdivision or development plat conditions.

j. A comprehensive drainage and grading plan shall be submitted by the developer of any property within a high water table area and shall be approved by the City Engineer before preliminary development approval or approval for any residential, commercial or industrial development or building on a single lot or lots. In the case of subdivisions, such plan shall be submitted via the Building Inspector; or in the case of building development on a single lot or lots, the plan shall be submitted via the Building Inspector. Such plan shall be subject to the following requirements:

i. Pumps shall not be discharged into the street or into the sanitary sewer system; but shall require outfall into a storm drain or private ditch system, if permitted by the owners thereof. Approval of, and signatures by, all irrigation and canal companies if their ditches or canals cross the development areas, or if surface or subsurface drainage is to outfall into the ditch or canal or if modification to ditch or canal is proposed. Property owners should be aware that few ditch companies allow discharge into their systems.

ii. Quantities of runoff shall be determined for the complete development area by the rational or other standard engineering method of run off. Procedures for the rational method of computation are outlined in Kanab Ordinances or Policy.

iii. At all outfall points from the development, quantities of run off shall comply with City Ordinances.

iv. The capacity of any irrigation ditch, storm drain, or other channel shall be determined from the inlet point to the outfall point of said channel if it is to be used for runoff. If there is an insufficient capacity to handle added flows, it will not be used.

v. A topographic map shall be prepared to indicate sufficient slopes in all areas to take surface drainage

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water into the designated street or storm drain. Water will not be allowed to pond any place other than a designated detention basin.

vi. A plan of all proposed curbs, gutters, and cross-gutters will need to be submitted. Such plan shall indicate on each curb the proposed grade, directions of flow, and quantities of flow.

vii. No french drains or sumps shall be allowed in the developments as part of the drainage plans on public streets. Discharges from pumps shall not be allowed to pond on property nor shall sumps be used for the disposal of water.

viii. No building permit shall be issued in any development in the described area until the required subsurface and storm drainage system has been constructed and is in operable condition unless a hold harmless agreement is entered into by the developer.

ix. A soil test provided by a licensed soil engineer shall accompany the drainage and grading plan for all areas in which underground private and public utilities will be installed. The engineer's statement must indicate what remedial action is anticipated to be taken to stabilize utility lines to assure that they will not shift, buckle, or lose alignment.

x. The said engineering plan shall include a cross-section of all proposed utility trenches showing configuration and type of materials to be used in backfill and as a "bed" for utility lines the same to be approved by the City Engineer.

xi. All water mains shall be poly wrapped in the high water table area.

Section 11-19 Exceptions to the Ordinance.

This Ordinance shall not apply to any lot or lots forming a part of a subdivision created or recorded prior to the effective date of this Ordinance.

Chapter 12

MOBILE AND PARK MODEL HOME PARKS

A zoning ordinance which provides for the regulation and development of mobile home parks.

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Section 12-1 Purpose

To require that mobile home developments will be of such character as to promote the objectives and purposes of this ordinance; to protect the integrity and characteristics of the districts contiguous to those in which mobile home parks are located; and to protect other use values contiguous to or near mobile home park uses.

Section 12-2 Location and Use

1. No mobile home shall be located, placed, used, or occupied in any district other than within an approved mobile home park where allowed within the zoning district.

2. Park model homes are permitted where allowed in a mobile home park.

Section 12-3 Approval

Mobile home parks may not be constructed unless first approved by the Kanab City Council, after review of plans for said mobile home park by the Kanab City Planning Commission which insure that the said development will:

1. Be in keeping with the general character of the district within which the development is to be located.

2. Be located on a parcel of land containing not less than two (2) acres.

3. Have a least ten (10) spaces completed and ready for occupancy before first occupancy is permitted.

4. Shall be connected to the municipal facilities of the City of Kanab.

5. Be developed according to plans prepared by a professional team. In all cases it is recommended that professional design and other assistance be obtained early in the program including (as needed) a geologist or soils engineer, an urban planner, a lawyer, a financial expert, or others. It is the intent of the City of Kanab that the developer solves problems associated with the development before approval is given and construction begins. Determination of

Chapter 12

MOBILE AND PARK MODEL HOME PARKS

qualifications of required professional individuals or firms shall be made by the Kanab City Planning Commission. In a Mobile home park, the number of Mobile homes shall be limited to seven (7) units per acre. The Mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking, shall be set aside and developed as parks, playground, and service areas for common use and enjoyment of occupants of the development and of the visitors thereto.

Section 12-4 Application

1. An overall plan for development of a mobile home park shall be submitted to the Kanab City Planning Commission for review. The plan shall be drawn to a scale no smaller than one (1) inch to fifty (50) feet. At least six (6) copies of the plan shall be submitted. The plan shall show:

- a. The topography of the site represented by contours, shown at not greater intervals than two (2) feet when required by the Kanab City Planning Commission.
- b. The proposed street and Mobile home space layout.
- c. Proposed reservations for parks, playgrounds, open space.
- d. Tabulations showing percent of area to be devoted to parks, playgrounds and open spaces, number of Mobile home spaces, and total area to be developed.
- e. Proposed locations of parking spaces.
- f. Generalized landscaping and utility plan, including locations of sewer, water, electricity, gas lines, fire hydrants.
- g. Any other data the Kanab City Planning Commission may require.

2. The applicant for approval of plans for a Mobile home park or Park Model home shall pay to the City of Kanab at the time of application a checking fee, in addition to all other required fees. The checking fee shall be as established by the Kanab City Council.

3. Applications for approval shall be in writing, submitted to the Kanab City Planning Commission at its regular meeting and shall be recommended for approval or disapproval to the Kanab City Council within thirty (30) days, unless an extension of time is approved by the Kanab City Planning Commission. An application recommended for approval or disapproval by the Kanab City Planning Commission shall be submitted to the Kanab City Council, which decision must be made in writing within fifteen (15) days after the recommendation is

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MOBILE AND PARK MODEL HOME PARKS

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Uniform Zoning Ordinance

submitted by the Kanab City Planning Commission to the Kanab City Council.

Chapter 13

RECREATIONAL VEHICLE PARK

A zoning ordinance which provides for the regulation of recreational vehicles and accommodations.

Sections:

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Section 13-1 Purpose

To permit development of facilities for recreational vehicles in appropriate districts and to require that recreational vehicle accommodations will be of such character as to promote the objectives and purposes of this ordinance, to protect the integrity and character of the districts contiguous to those in which recreational vehicle parks are located, and to protect other use values contiguous to or near recreational vehicle park uses.

Section 13-2 Location and Use

1. No recreational vehicle as herein defined shall be located, placed, used, or occupied for residential purposes in any district except within approved and licensed recreational vehicle parks and except as otherwise provided herein.
2. Recreational vehicle parks shall be generally located:
 - a. Adjacent to or in close proximity to a major traffic artery or highway.
 - b. Near adequate shopping facilities.
3. Stored recreational vehicles may not be used for permanent living quarters.
4. Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in a Commercial or Manufacturing district when such use is a permitted or a conditional use.
5. Recreational vehicles may be accommodated in an approved and licensed Mobile home park, provided that:
 - a. The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of Mobile homes.
 - b. The recreational vehicle use area shall have direct access to a collector or arterial street.
6. Recreational vehicle parks shall be connected to the municipal facilities of the City of Kanab.

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RECREATIONAL VEHICLE PARK

7. Park model homes are permitted where allowed in a recreational vehicle park.

Section 13-3 Approval

A recreational vehicle park may not be constructed unless first approved by the Kanab City Council. After review of plans for said park by the Kanab City Planning Commission which insure that the proposed development will:

1. Be in keeping with the general character of the district where it is proposed to be located.
2. Be located on a parcel of land containing not less than two (2) acres, unless included in a mobile home park, in which case no minimum area is required.
3. Have at least ten (10) spaces completed and ready for occupancy before first occupancy is permitted.
4. Meet all standards and requirements of this Ordinance and of the Recreational Vehicle Park Ordinance upon its adoption.
5. Meet all requirements of the State of Utah Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulations which are intended to apply to trailer, camper, and tent camps as defined in such Code.
6. Be designed by a qualified designer or design team. The determination of qualifications of such required professional individuals or firms shall be made by the Kanab City Planning Commission.
7. Contain not more than twenty (20) units per acre. The spaces may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual trailer spaces, roads or parking, shall be set aside and developed as park, playground, or service areas for the common use and enjoyment of occupants of the development and of visitors thereto.

Section 13-4 Application

1. An overall plan for development of a recreational vehicle park shall be submitted to the Kanab City Planning Commission for review. The plan shall be drawn to a scale not smaller than one (1) inch to fifty (50) feet. At least six (6) copies of the plan shall be submitted. The plan shall show:
 - a. The topography of the site, when required by the Planning Commission, represented by contours shown at not greater than two (2) foot intervals.

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- b. The proposed street and trailer or vehicle space pad layout.
 - c. Proposed reservations for parks, playgrounds and open spaces, and tabulations showing the percent of area to be devoted to parks, playgrounds and open space, the number of trailer spaces, and total area to be developed.
 - d. Proposed location, number, and design of parking spaces.
 - e. Generalized landscaping and utility plan, including location of sewer, water, electricity, gas lines and fire hydrants.
 - f. Any other data the Kanab City Planning Commission may require.
2. Applications for approval shall be in writing, submitted to the Kanab City Planning Commission at its regular meeting and shall be recommended for approval or disapproval to the Kanab City Council within thirty (30) days, unless an extension of time is approved by the Kanab City Planning Commission. An application recommended for approval or disapproval by the Kanab City Planning Commission shall be submitted to the Kanab City Council, which decision must be made in writing within fifteen (15) days after recommendation is submitted by the Kanab City Planning Commission to the Kanab City Council.

Chapter 14

YOUTH HOMES

A zoning ordinance which provides for the regulation of youth homes.

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Section 14-1 Definition

Youth home is defined as any combination of residences, dwellings or other structures utilized for the domicile, residence or sleeping accommodation of more than three children of the age of 18 years or less for more than one week where such children are not related within three degrees of consanguinity to the adult persons occupying the same residence or premises.

Section 14-2 Authorization

Youth homes will be permitted only on granting of a Conditional Use Permit after application to the Planning Commission and approval of the City Council of Kanab City. The City Council, prior to acting on the application, will receive a recommendation from the Planning Commission and entertain public comment at a duly noticed public hearing.

Section 14-3 Application

The application must contain this information:

1. Name and address of applicant.
2. Statement of ownership of the subject property executed by the owner or his agent under penalty of perjury.
3. Description of the property, including legal description and address, and common means of identification.
4. Map of the boundaries of the parcel and each separate lot or parcel within 300 feet of the exterior boundaries thereof; together with a list of names and addresses of the last known owners of public record of each parcel.
5. A statement indicating the precise manner of compliance with

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each of the applicable provisions of this ordinance together with any other information pertinent to the findings prerequisite to the granting of a use permit, prescribed in this ordinance.

6. A statement from the appropriate regulatory agency concerning availability of public utilities including culinary and irrigation water, power, sewage disposal and refuse disposal.

7. A statement from the Kane County School District indicating the availability of educational instruction and the impact location of the proposed facility at the proposed location or, in the alternative, that education will be handled privately and designating the number of employees to be involved in education and the mandatory credentials required of such employees.

8. A detailed written description of the anticipated ages and total number of occupants of the facility together with a diagram of the facility including all separate rooms and the intended use of each room.

9. A statement demonstrating the capability of the applicant, through insurance or other means, to insure timely restitution to any member of the public suffering damage as a result of intentional or negligent conduct by members of the staff or residents of the facility.

Section 14-4 Fee

The application must be accompanied by a receipt showing that the application fee of Four Hundred Fifty Dollars (\$450.00) has been paid; provided that up to two-thirds of such fee may be returned upon demonstration that compliance with Utah State licensing has obviated the necessity of more thorough screening of the application.

Section 14-5 Planning Commission Review

The Planning Commission will review the application and, if deemed appropriate, request comment from potentially impacted public and private agencies and parties. The Planning Commission will, within 60 days of receipt of the application, submit a recommendation to the City Council.

Section 14-6 Public Hearing

The City Council shall hold a public hearing within 45 days or receipt of the recommendation of the Planning Commission.

1. Notice of the time, place and purpose of such public hearing shall be given as follows: At least 14 days prior to the date set for the hearing, and not more than 45 days prior to that date, the City Clerk shall see that a notice is mailed to each property owner identified on the list accompanying the application as required by paragraph 14-3(d) above. The notice shall give the date, time and place of the hearing, the name of the applicant, the requested use, the

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identification of the property and such other information as may be prescribed by the City Council in an individual case. The clerk shall also cause such notice to be mailed to all governmental entities providing services to subject property and all municipalities within boundaries located within five miles of the proposed development and shall publish notice in a newspaper of general local circulation twice within the above-described notice period.

Section 14-7 Use Permit

The City Council may grant the use permit provided that is established that the proposed use is in accordance with the provisions of the general plan, this ordinance, and that the following qualifications have been met:

1. The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities and service facilities in the vicinity.
2. The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this Ordinance.
3. The site will be served by streets of sufficient capacity to carry the traffic generated by the proposed use.
4. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect the other property in the vicinity or the general welfare of the City.

Section 14-8 Conditions

In approving any application for use permit, the City Council may require higher standards of site development than listed for such use in this Ordinance and may make approval contingent on the acceptance and observance by the applicant of specified conditions relating to, but not limited to, the following considerations:

1. Conformity to plans and drawings submitted with the application;
2. The provision of open spaces, buffer strips, screen walls, fences, hedges and landscaping;
3. The volume of traffic generated, vehicular movements within the site, and points of vehicular ingress and egress;
4. Performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements;
5. Limits on time of day for the conduct of specified activities;

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6. Limits to be placed on the total number of children to be housed.

7. Guarantees as to compliance with the terms of approval.

Section 14-9 Violations

On violation of any provisions of this or any other applicable ordinances by a holder of a use permit, or on failure of holder to comply with conditions of a use permit granted on conditions, the use permit shall be suspended automatically. A hearing shall be called within fifteen days, and at the hearing the City Council must be satisfied that either the violation has been discontinued or the conditions met; otherwise the permit will be revoked.

Section 14-10 Continuation of Use

Approved conditional use permits will be reviewed on a yearly basis at which time the user in addition to delivering a business license fee, will supply a written confirmation that all conditions required by the initial approval of the use continue to be satisfied and honored and will itemize in writing the date, time and status of persons, e.g., staff or resident, who have engaged in any criminal misconduct or in the damaging or destruction of private property during the previous year and will confirm that restitution has been made to all victims of such occurrences.

Chapter 20

PLANNED DEVELOPMENT DISTRICTS

A zoning ordinance to foster creative, efficient, and comprehensive design of site development.

Sections:

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Section 20-1 Purpose and Intent

The purpose of the Planned Development Zone is to establish a process to foster creative, efficient, and comprehensive design of site development and to provide a means whereby real property may be developed with greater latitude in site standards, common areas, and open space than is allowed through traditional zoning controls.

It is the intent of this zone to provide land use and design regulations through the use of performance criteria so that small-to-large scale neighborhoods or portions thereof, may be developed with a variety of residential types and non-residential uses, which are planned and developed as a unit.

These regulations provide flexibility in site design in order to:

1. Encourage imaginative design and the creation of permanent open space.
2. Preserve and enhance special site features.
3. Encourage the conservation of natural features, wildlife habitat, and critical areas.
4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of residential types and other land uses in an innovative and functionally efficient manner.
5. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions.
6. Encourage the development of street, pedestrian and bicycle paths that contribute to a system of fully connected routes and the City Trails System Master Plan.

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7. Promote a more efficient utilization of land than what might be obtained through other development procedures..
8. Facilitate the economical and adequate provision of public services.
9. Provide for abundant, accessible, and properly located public open and recreation space, private open and recreation space, recreational opportunities, schools, and other public and private facilities.
10. Allow unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.
11. Ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction.
12. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls.

Section 20-2 Permitted Uses

LAND USES PLANNED DEVELOPMENT	Zones
	PD
Commercial businesses of a retail trade nature, including office and professional use.	P
Home occupation, as defined in this code and prescribed in the city home occupation.	P
Household pets.	P
Light manufacturing business.	P
Manufacturing or recreational vehicle developments.	P
Multiple-family residential uses.	P
Single-family residential uses.	P
Townhouse and condominiums (20,000 square foot lot and 4 units minimum).	P

Any combination of the above uses, or other uses that may be determined by the Planning Commission to be compatible and in

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harmony with each other according to the designated and approved development plan.

Section 20-3 General Requirements

1. Request Form: The standard zone change application form of the city shall be used to submit a request for a planned development zone change.
2. Pre-filing; Review: Prior to the review of the development plan and text by the Planning Commission, the applicant shall prefile the proposed request with the planning staff for review. The planning staff shall contact interested department personnel of the city or other agencies for review purposes. After review by the staff, which review time shall not exceed thirty (30) days, the staff shall furnish to the applicant and comments regarding the zone change request that may help the applicant in preparing the request for submission. The staff shall hold such meetings with the applicant as may be necessary for proper review.
3. Documents required: All requests shall be accompanied by a colored site development plan and a written text for the entire property proposed to be developed. For residential projects approved by the City Council, the applicant shall proceed to prepare and submit a preliminary plat, followed by a final plat as set forth in chapters 3 and 4 of the City of Kanab Subdivision Ordinance.
4. Subdivision Ordinance Applicability: The plans and information submitted to the city planning staff shall include applicable requirements of "Preliminary Plat", of this code. The design standards shall also be followed, where applicable, in submitting the application.

Section 20-4 Contents of Written Text:

The written text shall include the following:

1. Use of Land: The projected use of land, including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.
2. Height and Elevations: The text shall indicate the type, character, and proposed height of all buildings. The plat plan, elevations and perspective drawings may be prepared as necessary by the applicant to help the Planning Commission and City Council to better understand the proposal.
3. Density: The density in terms of dwelling units per gross acre of land shall be indicated.
4. Schools, Churches And Open Spaces: The location of any proposed school sites, churches, parks or other common or open spaces shall be identified.

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5. Phasing Plan: A phasing plan, if the development is proposed to be developed in phases, shall be submitted.
6. Topography: Topography at contour intervals of two feet (2') shall be submitted unless waived by the planning staff.
7. Landscape Plan: A landscape plan showing the general location of lawn area and trees shall be submitted (this may be a part of the site or plot plan).
8. Area Reserved For Landscaping: The amount of land areas reserved for landscaping shall be indicated;
9. Utilities: All utilities shall be underground unless otherwise approved by the City Council. Transformer equipment shall be located in obscure areas and screened from streets and from adjacent properties.
10. Refuse Storage Areas: Refuse storage areas shall be screened so that materials stored within these areas shall not be visible from an access street.

Section 20-5 Residential Development Standards

1. Land Coverage: The land coverage by all buildings shall not exceed fifty percent (50%) of the net lot or parcel acreage. Net lot or parcel acreage shall exclude the acreage areas that exceed 40% slope.
2. Lot Size: The minimum lot size in single-family residential subdivisions with private individual lots (no common area within lots) and private streets is five thousand (5,000) square feet; provided, that at least twenty percent (20%) of the total project area is developed and maintained as common open landscape or recreation area and that the average lot size is a minimum of 7,000 square feet with different lot sizes being placed intermittently through out the project.
3. Density: The density of a planned residential development shall conform to the density limitations of the general plan, but in no case shall exceed fifteen (15) dwelling units/acre.
4. Front Yard Setbacks:
 - a. Front yard setback from a public street shall be a minimum of twenty five feet (25').Exceptions: Exceptions to a twenty five foot (25') front yard setback from a public street are as follows:
 - i. Adjacent to residential property where one or both sides have less than a twenty five foot (25') setback, the front yard setback may be the average of the adjacent residential property or twenty feet (20'), whichever is greater. If one or

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both sides are undeveloped, the front yard setback for said undeveloped residential property shall be deemed to be twenty five feet (25') for purposes of this exception.

- ii. Subject to the recommendation of the Planning Commission and approval of the City Council as part of the planned development approval, a twenty foot (20') setback for the dwelling unit (garage setbacks shall remain at 25 feet) and an increase to the rear yard setback of five feet (5').

b. Front yard setback from private streets shall be twenty feet (20') minimum from back of curb for all buildings, and there shall be twenty feet (20') minimum from back of sidewalk (curb where no sidewalk) for garages or carports.

c. A garage design to allow a side entrance with an appropriate off street parking area may be located less than the twenty foot (20') minimum setback requirement where the Planning Commission determines such off street (the driveway) meets the intent of the ordinance. In no case shall the garage have a setback reduction less than ten feet (10') in order to comply with the building setback of ten feet (10') from the back of the sidewalk (curb where no sidewalk). The driveway shall have an appropriate radius, width and length to provide off street parking outside of the garage. Garage doors fronting the street shall have a twenty foot (20') minimum setback from the sidewalk (curb where no sidewalk).

d. The front yard setback area shall not be used for the location of any building or parking of any motor vehicles required as a part of the parking requirement or for additional visitor parking.

5. Side and Rear Yard Setback/Building Separation:

a. Side Yard Setbacks:

Side yard setback or building separation for detached units			
Building Stories	1 - 1 ½ Stories	2 - 2 ½ Stories	2 - 2 ½ Stories
Where no fence or wall exists between units	10 feet	15 feet	20 feet
Where a property line, wall or similar boundary line separates two units (any ownership designation other than 'common area')	8 feet to property line	9 feet to property line	10 feet property line
	16 feet between units	18feet between units	20 feet between units

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b. Rear Yard Setbacks:

Rear yard setback or building separation requirements			
Building Stories	1 - 1 ½ Stories	2 - 2 ½ Stories	2 - 2 ½ Stories
From property line	10 feet	20 feet	20 feet
Minimum building separation for 2 adjoining rear lot properties	20 feet	40 feet	40 feet

c. Exceptions: Exceptions to side and rear yard setback requirements are as follows:

- i. Adjacent to a public street, twenty five feet (25') or twenty feet (20') with a six foot (6') privacy wall along street right of way.
- ii. Adjacent to a single-family zone, the setback for a two-to three-story units shall be a minimum of thirty feet (30').

6. Parking Requirements: The requirements of this code shall apply.

7. Signs and Advertising: The requirements of the sign ordinance of this code shall apply, except that in large residential planned developments (those containing more than 200 dwelling units), the Planning Commission may approve an overall sign scheme for the project which may exceed the restrictions contained in the sign ordinance.

8. Height Regulations: No building shall be erected to a height greater than thirty five feet (35') unless specifically approved as a part of the zone change approval.

9. Size requirements: Each planned development zone shall contain a minimum of twenty thousand (20,000) square feet and four (4) dwelling units.

10. Landscape Requirement: All planned residential developments shall have a minimum of thirty percent (30%) of the site area, including front setback area, developed and maintained as landscaped or open green space.

11. Time Limitation: Building permits for construction within planned development residential zones must be obtained within eighteen (18) months of the approval of a zone change to planned development. If eighteen (18) months elapse without the issuance of building permits for the construction of the approved plans within the planned development zone, the zone shall revert back to the previous zone of the property before the zone change to planned development was approved.

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12. Recreation or Playground Areas: In developments with five (5) or more units, there shall be provided useable recreation or playground areas outside of the front yard setback, with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. The average width and length of each useable recreation or playground area shall not be less than twenty feet (20') or as approved by the Planning Commission. At least fifty percent (50%) of the useable area shall be in the form of open playground or green space.

13. Lighting Plan: The plans submitted shall include a general lighting plan indicating location of lights to be installed on the site.

14. Turning Space: Safe and convenient turning space shall be provided for cars, sewer vehicles, refuse collection vehicles, fire fighting equipment, etc., at the end of private drives and dead end streets.

Section 20-6 Commercial/Manufacturing Development Standards

1. Land Coverage: The land coverage by all buildings shall not exceed fifty percent (50%) of the net lot or parcel acreage.

2. Front Yard Setbacks:

a. The front yard setback shall be twenty five feet (25') for commercial developments and twenty feet (20') for manufacturing developments, unless the project is adjacent to an existing residential zone requiring greater than the twenty five foot (25') or twenty foot (20') setback in which case the setback shall be the same as for the adjacent residential use.

b. For commercial developments, the front yard shall not be used for the location of any building or parking area for motor vehicles, except as provided for in this section.

c. Parking is allowed in the front yard setback of manufacturing developments.

3. Side Yard Setbacks: The requirement for the street side shall be the same as for the front yard. Interior side yard setbacks shall be a minimum of ten feet (10') with the following exceptions:

a. No setback shall be required between a planned development zone and an adjacent commercial or industrial zone, unless setbacks are specifically required by the Planning Commission.

b. No setback is required between adjacent PD commercial / manufacturing buildings located in the planned development zone.

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- c. The interior side yard setbacks shall be increased to twenty feet (20') for buildings with two (2) or more stories when adjacent to a residential zone.
4. Rear Yard Setbacks: Ten feet (10') for commercial developments and zero feet for manufacturing developments, unless a different setback is required by the Planning Commission. (Street side setback is the same as for front yard.)
5. Parking Requirements: The requirements of chapter 6 of this title shall apply.
6. Signs and Advertising: The requirements of the sign ordinance set forth in chapter 6A of this code shall apply. Off premises signs shall not be allowed in the PD commercial/manufacturing zone unless such sign is part of the approved development plan.
7. Height Regulations: No building shall be erected to a height greater than thirty five feet (35') unless specifically approved as a part of the zone change approval.
8. Fences: The requirements of this ordinance shall apply.
9. Landscaping:
 - a. For commercial developments, the entire area between the curb and the setback line shall be landscaped. This may consist of any combination of plant materials along with necessary walks, ingress / egress drives and other appurtenances necessary for the development of the property. Were if otherwise creates a hardship, the City Council, upon recommendation of the Planning Commission, may allow adjustments in the landscaped setback area for driveway lanes and uncovered parking spaces; provided, that any reduction in one area shall be made up by additional landscaping in another area adjacent to the road right of way, so there is no overall reduction in required landscaped area. For manufacturing developments, there shall be a five foot (5') wide landscaped area on the private lot adjacent to all public streets.
 - b. Landscape plans shall make provisions for erosion control on all graded sites which will remain vacant after construction is completed.
10. Outside Storage: There shall be no outside storage of materials used in sales or in business operation. All businesses shall be completely enclosed.
11. Maintenance: All structures, permitted signs, parking area, landscaping, etc., shall be maintained in a neat, clean and orderly manner. All refuse shall be collected from outdoor areas on a regular basis to prevent said materials from being blown onto adjacent

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property.

12. Permitted Uses Designated: The City Council, upon recommendation from the Planning Commission, may designate any planned commercial zone as permitting certain of those uses allowed in the Commercial zones, and any planned manufacturing zone as permitting certain of those uses allowed in the Manufacturing zones, and only that specific type, or types of businesses are to be permitted in the zone.

13. Lighting Plan: The plans submitted shall include a general lighting plan indicating location of lights to be installed on the site.

14. Turning Space: Safe and convenient turning space shall be provided for cars, sewer vehicles, refuse collection vehicles, fire fighting equipment, etc., at the end of private drives and dead end streets.

Section 20-7 Other Requirements

1. Public Hearing: Subsequent to review and approved by the Planning Commission, the proposed planned development zone change request shall be forwarded to the City Council for a public hearing.

2. Planning Commission Recommendation: The Planning Commission shall also forward any recommendations for approval, disapproval or modification of the planned development request as reviewed by them to the City Council to be considered as a part of the zone change hearing.

3. Advertising: The zone change request shall be advertised and heard according to the same requirements as any other zone change request submitted to the City Council.

4. Approval; Findings: The City Council may approve a planned development zone change request only after finding that the requirements of this title and any other ordinances or restrictions affecting the property have been satisfied.

5. Development Plan Compliance: All development within the planned development zone shall comply with the development plan as approved and adopted by the City Council.

6. Filing of Materials: The development plan and supplementary text materials, after adoption, shall be filed in the offices of the city and all development within the zone shall comply therewith, unless the development plan and supplementary materials are amended as prescribed herein.

7. Applicability of Title: All other applicable provisions of this title shall apply, i.e., manufacturing home or RV requirements for mobile or RV planned developments, etc.

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Section 20-8 Amendments and Modifications:

Any amendments to the development plan shall be accomplished in the same manner as any other amendment to this title. Revised text and/or plans shall be submitted, along with a zone change request, to the Planning Commission and shall be reviewed in the same manner as the initial zone change request. The plan as approved by the City Council constitutes the zone, and any significant change in the plan shall be processed as an amendment to the zone.

Section 20-9 Plan Review Conference:

1. Required: Following the approval of the planned development zone change and upon request for issuance of any building permit therein, the developer and the contractor are aware of the conditions under which the zone change was granted.
2. Official Plan: At the plan review conference, the plans will be stamped by the staff and signed by the staff, developer and contractor as the official set of construction plans from which the work will be performed.
3. Changes Or Modifications: Any changes or modifications to the approved plan of development during the period of construction shall first be resubmitted to the planning staff for approval, and if deemed significant and at the discretion of the staff, returned to the Planning Commission for their review and recommendations and to the City Council for a hearing to amend the zone as provided for in Section 1-17 of the City of Kanab Uniform Zoning Ordinance.

Section 20-10 Special Regulations

1. Gross Floor Limitation. Retail establishments shall not exceed 40,000 square feet of gross floor area within the Zone. No retail establishment shall be permitted to place any one building or any combination of buildings that exceed 40,000 square feet within said Zone. In no event shall any retail establishment, corporation, business, or entity have one or more buildings on adjoining parcels, wherein the building or buildings would exceed a total of 40,000 square feet. Attempts to circumvent or exceed this maximum, 40,000 square feet, shall be strictly prohibited, except as allowed in the CPD Zone.
2. Definitions. The following definitions shall apply to this Section.
 - a. "Retail Establishments" means retail business or businesses, conducted in two or more buildings, where the retail business or businesses:
 - i. are engaged in the selling of similar or related

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goods, wares or merchandise, and operate under Common Ownership or Management, or

ii. share check stands, storage facilities, a warehouse, or a distribution facility, or

iii. otherwise operate as associated, integrated or cooperative business enterprises under Common Ownership or Management.

b. "Combination of Buildings" means two or more buildings that are on adjoining parcels as measured from the outside exterior wall of two of the buildings.

c. "Common Ownership or Management" means owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly,

i. by the same individual(s) or entity(ies), including but not limited to corporation(s) partnership(s), limited liability company(ies) or trust(s), or

ii. by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member officer or trustee of the entity(ies).

d. "Gross Floor Area" shall mean the sum of:

i. the total horizontal area, in square feet, of all floors of a building as measured at outside the exterior walls and including all interior courtyards, and

ii. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of buildings used for the display, storage, or sale of any goods, wares or merchandise.

iii. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

e. "Retail Business" means a business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be place in inventory for resale. A Retail Business does not include:

i. health centers, governmental uses, community

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centers, theaters, or religious or fraternal uses, or

ii. a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

Chapter 15

ESTABLISHMENT OF ZONING DISTRICTS

A zoning ordinance which establishes various zoning districts including zoning: for residential, planned developments, commercial, overlays and industrial zones.

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Section 15-1 Establishment of Zoning District

For the purposes of this ordinance, the territory of the City of Kanab to which this Ordinance applies is divided into the following zoning districts:

KANAB CITY ZONES	
Residential	Zones
Residential / Agriculture Zones	RA-2, RA-5, RA-10
Rural Residential Zone	RR-1
Single Family Residential Zones	R-1-15, R-1-20, R-1-8, R-1-10
Multiple Family Residential Zones	RM-7, RM-9, RM-11, RM-13, RM-15
Kanab Creek Ranchos Zone	KCR-720
Planned	
Planned Development Overlay	PD
Commercial Planned Zones	CPD
Commercial	
Commercial Zones	C1, C2, C3
Overlays	
Overlay Zones	DO, TCO, ECPO, DD, DPO
Industrial	
Manufacturing Zones	M1, M2, M3

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Section 15-2 Minimum Floor Area In Residential Zones

Zones	Main Floor *	Total Sq. Ft.*	Single Story *
R-1-8, R-1-10	800 sq. ft.	1200 sq. ft.	1000 sq. ft.
R-1-15, R-1-20	900 sq. ft.	1400 sq. ft.	1000 sq. ft.
R-R-1	1000 sq. ft.	-----	-----
RA-2, RA-5, RA-10	1000 sq. ft.	-----	-----
KCR-720	720 sq. ft.	-----	-----

*Excluding Garage and Basement

Section 15-3 Maximum Building Height in Comm. & Mfg. Districts

Commercial Zones	Story* / Height
C1	Two Story or 35 ft.
C2	35 ft
C3	Three Story or 40 ft.

Manufacturing Zones	Story * / Height
M1	Three Story or 40 ft.
M2	Three Story or 40 ft.
M3	Three Story or 40 ft.

*Story - The portion of a building included between the surface of any floor and the surface of floor next above it, or if there be no floor above it then the space between any floor and ceiling next above it.

Section 15-4 Listing of Ordinance and Map

This Ordinance and map shall be filed in the custody of the Kanab City Clerk and may be examined by the public subject to the reasonable regulations established by said Clerk.

Section 15-5 Rules for Locating Boundaries

Where uncertainty exists as to the boundaries of districts as shown on Kanab City maps, the following shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines and in the event of change in the centerline shall be construed as moving with the centerlines.
2. Boundaries indicated as approximately following the right-of-way lines of streets, highways, or alleys shall be construed to follow such right-of-way lines, and in the event of a change in the right-of-way line shall be construed as moving with the right-of-way line.

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3. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, or other bodies of water, or flood control channels, shall be construed to follow such centerlines and in the event of change of the centerline shall be construed as moving with the centerline.

4. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

5. Boundaries indicated as parallel to or extensions of features indicated in sub-sections 1 through 4 above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map.

6. In case any further uncertainty exists, the Kanab City Appeals Officer shall determine the location of such boundaries.

7. Boundaries of each of the said zones are hereby established as described herein or as shown on the map entitled Kanab City Zoning Map which map is on file with the Kanab City Clerk and all boundaries show thereon are made by this reference as much a part of this Ordinance as is fully described and detailed herein.

Section 15-6 Supplementary Regulations to All Zones

No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential or commercial zone. No junk, debris, abandoned or dismantled automobile or similar material shall be stored or allowed to remain on any lot in any residential zone.

Section 15-7 Transitioning and Maintaining Balance

It is the objective of the City to encourage and provide for proper transitions and compatibility between zones and intensity of uses, which should be regulated by the City Land Use Code, the General Plan, Future Land Use Map and the Kanab City Annexation Policy Plan. The City also seeks to maintain a healthy balance and mix of land uses within the community, representing the atmosphere of existing development. Areas for growth have been planned with a balance for all uses, including agriculture, residential, commercial and industrial uses, as demonstrated in the Kanab City General Plan and Future Land Use Map. Future decisions regarding land use and zoning in Kanab should be guided by this map.

The City promotes orderly growth, with an emphasis for new developments to occur in the core community areas first. Rezoning of adjacent undeveloped property should be compatible with developed property.

Chapter 16

AGRICULTURAL AND RURAL RESIDENTIAL ZONES

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Section 16-1 Purpose

Agricultural Zones (RA-2, RA-5, RA-10): To provide permanent areas for small farms, hobby farms and agricultural developments.

Rural Residential Zone (RR-1): To provide area for single family rural neighborhoods that permits small farming activities and the stabling of personal livestock and fowl.

Section 16-2 Permitted and Conditional Uses

See chart below.

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AGRICULTURAL AND RURAL RESIDENTIAL ZONES

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LAND USES AGRICULTURAL / RURAL RESIDENTIAL	ZONES	
	RA	RR-1
Accessory structures ¹	P	P
Agricultural products retail sales	P	-
Church	C	C
Guest house	P	P
Home Occupation	C	C
Household pets	P	P
Manufactured / modular home	P	P
Nursery or greenhouse including retail sales ²	P	C
Park or playground	C	C
Poultry coops for public food production	C	-
Private kennels	C	-
Private stable, corral, chicken coop or pen ³	P	P
Public buildings	C	C
Public riding stables	C	-
Public utilities	C	C
Raising crops, horticulture, gardening ⁴	P	P
Stabling of livestock	P	-
Single family dwelling unit	P	P
School	C	C

¹ Refer to Section 16-5-2

² Excluding any building or structure for retail separate from the greenhouse growing facility.

³ Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.

⁴ Tilling of the soil, the raising of crops, horticulture, and gardening for personal use.

Section 16-3 Height Regulations

No building shall be erected to a height greater than two and one half (2½) stories or thirty-five (35) feet, or less than one (1) story, without a conditional use permit.

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AGRICULTURAL AND RURAL RESIDENTIAL ZONES

Section 16-4 Area, Width and Yard Regulations

Zone	Area	Width	Yard Setbacks in Feet		
			Front	Side	Rear
RR-1	1 acre	150	25	10	10
RA-2	2 acres	250	30	15	30
RA-5	5 acres	300	30	15	30
RA-10	10 acres	400	30	15	30

Section 16-5 Modifying Regulations

1. Side Yards - On corner lots the side yard setback shall be the same as the front yard setback (refer to Section 16-4 above).
2. Accessory Buildings - All accessory buildings shall be located at the rear of and at least ten (10) feet from the main building and may have a side and rear yard of two (2) feet except on the street side of a corner lot.
3. Distance Between Buildings - No building, structure, or enclosure housing animals or fowl shall be constructed closer to a dwelling on the same or adjacent lots than fifty (50) feet.

Section 16-6 Domestic Animals

This section establishes the standards by which domestic farm animals may be kept within Kanab City in a manner that will protect health and minimize the potential for nuisance. The keeping of domestic animals is permitted, limited to the following:

1. Animal Allowance. The minimum residential lot size for the keeping of farm animals within any zone district shall be one (1) acre. The maximum kind and number of animals that may be kept on a lot in an RR-1 and RA-2 zone district (not including suckling offspring) is as follows:

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AGRICULTURAL AND RURAL RESIDENTIAL ZONES

Maximum Allowance of Animals		
On at least 1 acre, one of the below groups or equivalent combination:	On each additional 1/3 acre, one of the below groups or equivalent combination:	Maximum number of all animals on any lot (except fowl and rabbits):
2 horses	1 horse	10
2 cows	1 cow	
2 mules	1 mule	
2 donkeys	1 donkey	
4 sheep	2 sheep	
4 goats	2 goats	
50 fowl	20 fowl	--
50 rabbits	20 rabbits	--

2. For the purpose of this ordinance, domestic animals shall be limited to horses, mules, donkeys, cows, sheep, goats, rabbits, geese, turkeys, and chickens which belong to and are owned by the resident.

3. Animals, stables, barns, and accessory buildings are not permitted, unless a private occupied residence exists on the same lot.

4. All permitted animals and fowl are to be adequately maintained in a sanitary and healthy manner to prevent annoyances, offensive odors insects or disease. All animals must be adequately restrained to prevent escape from the lot, marauding nuisance or damage to other property.

5. The animal must be kept in an enclosed, fenced yard, with fencing surrounding the property.

6. All corrals or stables must be located no closer than 25 feet to the adjacent neighbor's property line, and no closer than 50 feet to an adjacent neighbor's dwelling unit.

7. Property owner shall show odor, dust, noise, or drainage will be so controlled as to not constitute a nuisance or hazard to adjoining property or uses.

Section 16-7 Supplementary Regulations

Supplementary regulations are provided in Chapter 4 of this Ordinance.

Chapter 21

COMMERCIAL PLANNED DEVELOPMENT DISTRICTS

“A zoning ordinance providing for multiple uses within a unified development that is attractively designed and exceptionally functional.”

Adopted January 22, 2008

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Section 21-1 Description and Purpose

The “CPD” Commercial Planned Development Zone is established in order to provide for the commercial and service needs of both local residents and the motoring public by providing for multiple uses within a unified development that is attractively designed and exceptionally functional. Several objectives will be met within the CPD; these objectives include: flexibility and creativity in design; preservation of natural or cultural features; efficient layout of roads and service drives; efficient use of utilities; effective storm water management; coordination of architectural styles; and adequate provisions for public safety. In addition, any area zoned “CPD” shall meet the intent of the General Plan for Kanab City.

Section 21-2 Authorization and Procedure

A Commercial Planned Development zoning district may be approved by the City in any location which is recommended for Commercial or Commercial Planned Development use by the Kanab City Master Plan in accordance with the regulations of this chapter, overlay zones and the procedures of Chapter 22 (Commercial Zones) of this Ordinance.

Section 21-3 Permitted Uses

Land and /or buildings in this district may be used for the following uses only:

1. Any use permitted by right in the “C-1”, “C-2” and “C-3” Commercial Zones and, in addition, any use permitted as a conditional use within the “C-1”, “C-2” and “C-3” Commercial Zones when specifically authorized by the City Council upon recommendation of the Planning Commission.
2. Commercial Planned Developments will be considered in “C-2” and “C-3” Zones and in the Transitional and Entry Corridor Protection Overlay Zones.
3. Residential/Commercial uses by conditional use permit.

Section 21-4 Development Requirements

1. **Minimum Lot Size** - Any site zoned for CPD shall not be less than three acres in size. This requirement may be waived by the Planning Commission when the site under consideration can be

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shown to meet the intent and objectives of this Chapter.

2. **Lot Width** - The lot width and public or private road frontage requirements shall be determined by the Planning Commission in its review of the CPD site plan. When determining these requirements, the Planning Commission shall analyze the following but not limited to:

- a. The nature of existing and planned land uses adjacent to and near the site,
- b. Compatibility of all building setbacks with adjacent land uses,
- c. The location of natural features on the site,
- d. Existing and proposed site topography,
- e. The location of public utilities,
- f. Public safety and emergency vehicle access,
- g. The design of the master street plan - intersections,
- h. The design of existing and proposed pedestrian walkways, and
- i. The objectives of the CPD district contained herein.

3. **Private Roads** - Private roads may be permitted within a CPD when specifically approved by the Planning Commission. Private roads shall adhere to the private road requirements of the Zoning Ordinance except that the roads shall be built to the construction standards required by the Kanab City Design Standards for commercial roads. The Ordinance requirements for private roads, other than road construction standards, may be modified by the Planning Commission according to the following criteria:

- a. Number and type of buildings served by the private road,
- b. Amount of traffic generated by the proposed uses,
- c. Existing topography and vegetation,
- d. Public safety and emergency vehicle access,
- e. The inter-relationship with the public street network, and
- f. The likelihood of public dedication of the roadway.

4. **Building Height, Size, Placement and Appearance**

- a. No building shall be erected to a height greater than allowed by ordinance.
- b. A building shall not exceed 40,000 square feet in gross floor area as described in this ordinance. However, in certain

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situations the Planning Commission may allow a combination of buildings greater than 40,000 square feet in gross floor area if buildings are interconnected in a strip-mall manner. When making this determination, the Planning Commission shall consider the following criteria:

- i. The proposed development is granted a zone change to CPD
- ii. The proposed location of the development
- iii. The proposed nature and intensity of use(s) for the building
- iv. The proposed location, types, sizes, number and arrangement of all buildings within the development
- v. The impact on adjacent properties
- vi. The public safety and fire department provisions for the proposed building
- vii. The development is consistency with the City General Plan, Street Plan, etc.

(The criteria above will be taken into consideration by the Planning Commission and City Council when reviewing an application for zone change to Commercial Planned Development).

- c. Buildings shall be designed consistent with all City Ordinances and Overlay Regulations.

5. **Sidewalks** - Sidewalks and walkways shall be installed consistent with Kanab City Design Standards and designed to protect the safety and welfare of the walking public.

6. **Off-Street Parking** - When determining the baseline vehicular parking requirements for a CPD site, the Planning Commission shall consider the requirements found for the particular use(s) in this ordinance. In addition, the Planning Commission will consider the following when reviewing parking requirements:

- a. The nature and intensity of use(s) proposed for the site
- b. The location and arrangement of all buildings
- c. The type, number and size of all buildings
- d. Data resulting from a professional traffic study
- e. Data submitted by the developer and approved by the City Engineer
- f. Where deemed feasible by the Planning Commission,

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no more than 60% of the site's off-street parking shall be located between the front façade and the corresponding primary street frontage. Parking areas should be placed at the side and rear of buildings wherever possible to allow the building's architecture and onsite landscaping to be the predominate view from the street.

g. Delivery/Shipping areas must be located in the rear of buildings.

h. Overlay design standards and guidelines.

7. **Signs** - Signs within a CPD shall comply with the regulations for the proposed uses contained in the specific Overlay Zone and Chapter 7 of the Kanab City Zoning Ordinance. The developer must submit a signage plan for all site signage at the time of Preliminary Development Plan review by the Planning Commission.

8. **Landscaping** - A landscaping plan shall be submitted at the time of Preliminary Development Plan review. The landscaping plan shall illustrate the type, size, location and number of all proposed plantings. The landscaping proposal must substantially comply with the requirements of the current Kanab City landscaping policy and/or zoning ordinance.

a. Landscaping plans should incorporate a "tree-lined street" design along all roadways and service drives. Plantings should be used to screen dumpsters areas, utility meters and ground HVAC units as appropriate. Shrub plantings should be used to shield parking areas from the street.

b. The overall goal of the landscaping plan is not to overload a site with plantings but to complement the built environment of the site. The color, texture and placement of plantings is, therefore, very important. The use of a registered landscape architect is encouraged in order to create a complementary landscaping plan.

c. All landscaped areas must be irrigated by a professionally-designed underground watering system.

9. **Access Management and Traffic Calming** - Driveways, service drives, public and private roads and cross access connections must be shown on the Development Plan in accordance with the current Kanab City Master Plan. Driveways proposed onto public roads must receive preliminary approval from the appropriate permitting agency prior to Planning Commission review of the Final Development Plan. In order to protect pedestrians and non-motorized transportation users, the Plan must display appropriately placed and designed traffic calming devices and strategies. Examples of traffic calming measures include speed bumps, bump outs, bulb outs and intersection

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crosswalks.

10. **Storm Water Management** - A Storm Water Management Plan must be submitted along with the CPD site plan proposal. The City Engineer will review the Storm Water Management Plan in accordance with the standards and procedures of the current City Ordinance.

Chapter 17

SINGLE FAMILY RESIDENTIAL ZONES

A zoning ordinance which provides for low density, single-family neighborhoods.

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Section 17-1 Purpose

Single Family Residential Zones (R-1-20, R-1-15, R-1-10, R-1-8): To provide and protect areas for low-density, single-family neighborhoods, while permitting the limited establishment of public and quasi-public uses which serve the requirements of families.

Section 17-2 Permitted and Conditional Uses

LAND USE CHART SINGLE FAMILY RESIDENTIAL	ZONES			
	R-1-20	R-1-15	R-1-10	R-1-8
Bed and breakfast	C	C	C	C
Cemetery	C	C	C	C
Child day care or nursery	C	C	C	C
Church	C	C	C	C
Golf course	C	C	C	C
Guest house	P	P	P	P
Home occupation	C	C	C	C
Horticulture and gardening ¹	P	P	P	P
Household pets	P	P	P	P
Park or playground	C	C	C	C
Public buildings	C	C	C	C
Public utilities, essential services	C	C	C	C
School	C	C	C	C
Shed / garage ²	P	P	P	P
Single family dwelling unit	P	P	P	P

¹ For personal use.

² Refer to Section 17-5-2

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SINGLE FAMILY RESIDENTIAL ZONES

Section 17-3 Height Regulations

No building may exceed two and one-half (2½) stories or thirty-five (35) feet in height. No dwelling shall be less than one (1) story in height.

Section 17-4 Minimum Area, Width and Yard Requirements

District	Area	Width	Yard Setbacks in Feet		
			Front	Side	Rear
R-1-20	20,000 sq ft	120	25	10	10
R-1-15	15,000 sq ft	100	25	10	10
R-1-10	10,000 sq ft	80	25	10	10
R-1-8	8,000 sq ft	60	25	8	10

Section 17-5 Modifying Regulations

1. Side yards - On corner lots the side yard setback shall be the same as the front yard setback.
2. Accessory Buildings - All accessory buildings shall be located at the rear of and at least ten (10) feet from the main building and may have a rear yard and side yard of two (2) feet except on the street side of a corner lot.

Section 17-6 Supplementary Regulations

Supplementary regulations are provided in Chapter 4 of this Ordinance.

Chapter 18

MULTI-FAMILY RESIDENTIAL ZONES

A zoning ordinance which provides for medium to high density residential areas, from seven (7) to fifteen (15) units per acre.

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Section 18-1 Purpose

Multi-Family Zones: (RM-7, RM-9, RM-11, RM-13, RM-15)

To provide and protect areas for medium to high density, from seven (7) to fifteen (15) units per acre, residential while permitting limited establishment of the public and quasi-public uses which serve the requirements of the neighborhood.

Section 18-2 Permitted and Conditional Uses

LAND USES MULTI-FAMILY RESIDENTIAL	ZONES				
	RM-7	RM-9	RM-11	RM-13	RM-15
Accessory uses and structures ¹	P	P	P	P	P
Child day care or nursery	C	C	C	C	C
Church	C	C	C	C	C
Home occupation	C	C	C	C	C
Horticulture and gardening ²	P	P	P	P	P
Household pets	P	P	P	P	P
Multi-family dwelling units	C	C	P	P	P
Park or playground	C	C	C	C	C
Private recreation grounds and facilities	C	C	C	C	C
Public utilities, essential services	C	C	C	C	C
School	C	C	C	C	C
Single family dwelling unit	P	P	P	P	P
Two-family dwelling units	P	P	P	P	P

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MULTI-FAMILY RESIDENTIAL ZONES

Footnotes:

1. Premises in the RM zones may be used for accessory uses, provided such uses are established after the existence of the primary residence and on the same lot or parcel of land as the primary residence; accessory uses should not substantially alter the character of any permitted principal use; accessory buildings or structures may include but not be limited to:
 - a. Housing or confinement of animals.
 - b. Private garages, carports and children's playhouses.
 - c. Tool houses and greenhouses.

Refer also to Section 18-6-3

2. For personal use.

Section 18-3 Height Regulations

No main building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height. No dwelling structure shall be less than one (1) story.

BUILDING HEIGHT	RM-7	RM-9	RM-11	RM-13	RM-15
Maximum feet	35	35	35	35	35
Maximum stories	2½	2½	2 1/2	2 ½	2 ½
Minimum stories (dwellings)	1	1	1	1	1

Section 18-4 Density Regulations

The density shall not exceed the densities given in the following table.

UNITS	MINIMUM LOT SIZE				
	RM-7	RM-9	RM-11	RM-13	RM-15
1 st unit	12,000 sq ft	11,000 sq ft	10,000 sq ft	9,000 sq ft	8,000 sq ft
2 nd and each additional unit	6,000 sq ft	5,000 sq ft	4,000 sq ft	3,000 sq ft	2,500 sq ft

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MULTI-FAMILY RESIDENTIAL ZONES

Section 18-5 Area, Width, and Yard Requirements

			Yard Setbacks in Feet		
Zone	Area	Width	Front	Side	Rear
RM-7	18,000 sq ft	100	25	10	10
RM-9	16,000 sq ft	100	25	10	10
RM-11	14,000 sq ft	100	25	10	10
RM-13	12,000 sq ft	100	25	10	10
RM-15	10,500 sq ft	100	25	10	10

Section 18-6 Modifying Regulations

1. The front yard setback area may be used for the location of any parking of any motor vehicles required as a part of the parking requirement or for additional visitor parking.
2. Side yard setback on a street side yard of a corner lot shall be the same as the front yard setback required for the district.
3. All accessory buildings located at least ten (10) feet behind the main building may have a rear yard and side yard of two (2) feet except on the street side of a corner lot.
4. The side and rear setbacks on interior lot boundary lines shall be twenty (20) feet along all boundaries for all two (2) story buildings. An additional ten (10) feet shall be added to the setback for each story over two (2) stories.
5. In group dwellings, no two buildings may be located closer together than 10 feet and the front on any dwelling or to a side or a rear property line on interior lot boundary lines less than 25 feet.
6. At least 30 percent of the land area of any parcel shall be landscaped.
7. Land coverage of all buildings shall not exceed 50 percent of the lot or parcel acreage.

Section 18-7 Supplementary Regulations

Supplementary regulations are provided in Chapter 4 of this Ordinance.

Chapter 19

KANAB CREEK RANCHOS KCR-720 ZONE

A zoning ordinance which provides for low-density, single family home neighborhoods of a rural character.

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Section 19-1 Purpose

To provide and protect areas of low-density, single family neighborhoods of a rural character and to provide for zoning for the Kanab Creek Ranchos Subdivision.

Section 19-2 Permitted and Conditional Uses

LAND USE CHART KCR-720 HOMES	KCR ZONE
Cemetery	C
Child day care or nursery	C
Church	C
Golf course	C
Guest house	P
Home occupation	C
Horticulture and gardening ¹	P
Household pets	P
Park or playground	C
Public buildings	C
Public utilities, essential services	C
School	C
Shed / garage ²	P
Single family dwelling unit	P

1 For personal Use

2 Refer to Section 17-5-2

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KANAB CREEK RANCHOS KCR-720 ZONE

CITY OF KANAB

Uniform Zoning Ordinance

Section 19-3 Height Regulations

No building may exceed two and one-half (2½) stories or thirty-five (35) feet in height. No dwelling shall be less than one (1) story in height.

Section 19-4 Minimum Area, Width, and Yard Requirements

			Yard Setbacks in Feet		
District	Area	Width	Front	Side	Rear
KCR-720	13,000 sq ft	80	25	10	10

Section 19-5 Modifying Regulations

1. On corner lots, the side yard setback shall be the same as the front yard setback.
2. All private garages and accessory buildings less than eight (8) feet in height shall be located at the rear of and ten (10) feet behind the main dwelling and may have a side yard and rear yard of two (2) feet, except on the street side of a corner lot.
3. All homes in the KCR-720 zone shall be on a permanent foundation.
4. Each dwelling shall have a minimum floor area of 720 square feet of floor space on the main floor, exclusive of garages.
5. The width of the dwelling shall not be less than fourteen feet (14) feet at the narrowest point of its first floor exclusive of any garages, bay windows, room additions or other similar appendages. The width shall be considered as the lesser of the two primary dimensions.
6. A basement shall not be considered as a first floor.
7. All manufactured homes shall be anchored to and supported by an approved method of the manufacture.
8. Each dwelling shall have a double sloped gabled roof.

Section 19-6 Supplementary Regulations

Supplementary regulations are provided in Chapter 4 of this Ordinance.

Chapter 22

COMMERCIAL ZONES

A zoning ordinance which provides for various commercial uses in three Kanab City zones: C-1, C-2, and C-3.

Adopted January 22, 2008

Sections:

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Section 22-1 Purpose

To provide various zones within the City of Kanab where a wide variety of goods and services can be provided.

Section 22-2 Commercial Zones

1. C-1 Commercial Zone

a. The C-1 commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the city, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods", such as groceries, drugs, personal services such as haircutting and hairdressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone. The maximum size of a C-1 zone shall not exceed five (5) acres.

b. Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained insofar as possible. Stores, shops or businesses shall be retail establishments only and shall be permitted only under the following conditions:

c. The C-1 zone is the underlying zone for the downtown overlay zone (DO).

i. Such businesses shall be conducted wholly on private property except for the parking of automobiles and service to persons in automobiles.

ii. All uses shall be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.

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COMMERCIAL ZONES

2. C-2 Commercial Zone

a. The objective of the commercial zone is to provide space within the city where nearly all types of commercial goods and services may be provided. Since the zone permits such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition thereof.

b. The C-2 commercial zone is located principally along major roadways for maximum visibility to the public. To maximize traffic safety, property owners should work together to provide access, parking, etc., to adjacent parcels and access should be provided in a manner that will minimize the hazard of traffic leaving and entering major roadways.

c. The C-2 zone is the underlying zone for the transitioned overlay zone. (TCO)

3. C-3 Commercial Zone

a. The principal objective in establishing the C-3 commercial zone is to provide space within the city where facilities that serve the traveling public can be most appropriately located. Other purposes for establishing the C-3 commercial zone is to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of roadsides and interchanges leading into the city and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public.

b. The C-3 zone is the underlying zone for the entry corridor overlay protection zone. (ECPO)

Section 22-3 Permitted and Conditional Uses

(See Land Use Chart at the end of this chapter)

Section 22-4 Height Regulations

No building shall be erected to a height greater than allowed by ordinance. No building shall be erected to a height lower than twelve (12) feet.

Section 22-5 Temporary Events on Public Right-of-Way

In no case shall business be conducted on public right-of-ways except as allowed by a special events permit.

Chapter 22

COMMERCIAL ZONES

CITY OF KANAB

Uniform Zoning Ordinance

Section 22-6 Minimum Area, Width, and Yard Regulations

			Yard Setbacks in Feet		
Zone	Area	Width	Front	Side	Rear
C-1	5,000 sq ft	0	0	0	20
C-2	5,000 sq ft	0	0	0	20
C-3	12,000 sq ft	0	20	20	20

Where a commercial zone abuts a residential district, building setbacks will be as follows:

Yard Setbacks in Feet		
Front	Side	Rear
0	20	20

Section 22-7 Special Regulations

1. All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight-obscuring fence or wall of not less than six (6) feet in height and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall.

2. No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any Commercial District. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any Commercial District.

3. All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall which will prevent the facility from being seen from a public street.

4. Gross Floor Limitation. Retail establishments shall not exceed 40,000 square feet of Gross Floor Area within the Commercial District. No Retail Establishment shall be permitted to place any one Building or a Combination of Buildings that exceed 40,000 square feet within said Zone. In no event shall any Retail Establishment, corporation, business, or entity have one or more building on adjoining parcel, wherein the building or buildings would exceed a total of 40,000 square feet shall strictly be prohibited, except as allowed in the CPD Zone.

5. **Definitions.** The following definitions shall apply to this section.

Combination of Buildings - Two or more buildings that are on adjoining parcels as measured from the outside exterior walls of two of the buildings.

Commercial / Residential Mix - The combination of commercial

Chapter 22

COMMERCIAL ZONES

uses (usually retail and/or professional office businesses) and residential uses (usually multiple family dwellings) within a single development, either as part of a planned development of several buildings or within a single building.

Common Ownership of Management - Owned, leased, possessed, managed or otherwise controlled in any manner, directly or indirectly,

- a. by the same individual(s) or entity(ies) including but not limited to corporation(s) partnership(s) limited liability company(ies) or trust(s) or
- b. by different individuals or entities, including but not limited to corporations, partnership(s) limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent stockholder, director, member, officer or trustee of the entity(ies).

Gross Floor Area - the sum of:

- a. the total horizontal area, in square feet, of all floors of a building, as measured at outside the exterior walls and excluding all interior courtyards as described below; and
- b. the total horizontal area, in square feet, of all floors of all portions of the site outside of the exterior walls of buildings used for the display, storage, or sale of any goods, ware or merchandise.

For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

Retail Business - Business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be place in inventory for resale.

A Retail Business does not include:

- a. health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or
- b. a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities or other facilities owned by, or operated strictly for the benefit of the public.

Retail Establishment - A retail business or businesses, conducted in two or more buildings, where the retail business

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COMMERCIAL ZONES

or businesses;

a. Are engaged in the selling of similar or related goods,

wares or merchandise, and operate under Common Ownership or Management, or

b. Share check stands, storage facilities, a warehouse, or a distribution facility, or

c. otherwise operate as associated, integrated or cooperative business enterprises under Common Ownership or Management.

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Uniform Zoning Ordinance

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Agricultural Crop Sales (Farm Only)	-	-	C	-
Airport Support Facility	-	-	C	C
Antique / Secondhand Store	P	P	P	P
Apparel / Accessory Store	C	P	P	P
Arcade (Games/Food)	C	C	P	C
Auto / Boat Dealer	-	P	P	-
Auto Rental / Sales	-	C	P	C
Auto Repair	-	C	P	C
Auto Service	-	P	P	C
Auto Supply Store	-	P	P	P
Beauty Salon	P	P	P	P
Bed and Breakfast / Guesthouse	C	P	P	-
Cemetery	-	-	C	-
College / University	-	C	C	C
Commercial Marine Supply	-	P	P	C
Commercial / Residential Mix	P	P	P	C
Communications Facility	-	-	C	C
Computer/Office Equipment	P	P	P	P
Conference / Convention Center		P	P	P
Construction / Trade	-	-	C	-
Convalescent Center / Nursing Home	-	-	P	-
Church	C	C	P	-
Day Care I (under 6 children)	-	C	C	C
Day Care II (over 6 children)	-	C	C	C
Department / Variety Store	P	P	P	P
Dry Cleaner	-	C	P	P
Drug Store	P	P	P	P
Duplex /Residential	-	C	C	-
Elementary - Jr. High	-	-	C	-
Espresso Stand	P	P	P	P

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COMMERCIAL ZONES

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LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Fabric Store	P	P	P	P
Fast Food/Restaurant	C	P	P	C
Financial Institution	-	P	P	P
Florist Shop	P	P	P	P
Food Store	P	P	P	C
Funeral Home/Crematory	-	C	P	-
Furniture/Fixtures	P	P	P	P
Gasoline / Service Station	-	P	P	C
General Repair	-	C	P	C
Halfway House	-	-	C	-
Hardware / Garden Material	-	P	P	C
Health Club	P	P	P	P
High School	-	-	C	-
Hobby / Toy Store	P	P	P	P
Hospital	-	-	C	-
Hotel / Motel and Associated Uses	C	P	P	C
Jewelry Store	P	P	P	P
Kennel / Public	-	-	C	-
Landscaping Business	-	-	P	-
Laundromat	-	P	P	P
Library	-	C	C	C
Liquor Store	C	C	C	C
Media Material	P	P	P	P
Medical / Dental Lab	C	P	P	P
Misc. Equipment Rental Facility	-	C	C	-
Miscellaneous Health	C	C	P	P
Mobile / Park Model Home Park	-	-	C	-
Museum	P	P	P	P
Office Supply	P	P	P	P

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LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Park	C	P	P	P
Pet Store	C	P	P	P
Photographic and Electronic Store	P	P	P	P
Police / Fire Facility	C	P	P	P
Printing / Publishing	C	P	P	P
Professional Office	P	P	P	P
Public / Private Parking	C	C	C	C
Recreational Center	C	C	P	P
Residential Incidental to the Primary Use of the Business	C	C	C	C
Restaurant	P	P	P	P
RV / Camp Park	-	-	C	-
Self-Service Storage	-	-	C	-
Single Detached Dwelling Unit	-	C	C	-
Single Attached Dwelling Unit	-	C	C	-
Social / Public Agency offices	P	P	P	P
Sporting Goods and Related Stores	P	P	P	P
Theater	C	P	P	P
Towing Operation	-	C	P	-
Townhouses	-	C	C	-
Transitional Housing	-	C	C	-
Truck Stop	-	-	C	-
Veterinary Clinic large animal	-	-	C	-
Veterinary Clinic small animal	-	C	C	C
Vocational School	-	C	C	C
Youth Home	-	C	C	-
Wholesale / Bulk Store	-	C	P	-
Wireless Telecommunications retail	P	P	P	P
Wood Products	-	C	P	-

Chapter 23

MANUFACTURING ZONES

A zoning ordinance which provides for various manufacturing uses in three Kanab City zones: M-1, M-2, and M-3.

Adopted January 22, 2008

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Section 23-1 Purpose

M-1 Zone: To provide for a mixture of research, office, high-tech and certain specialized light manufacturing uses in a park like atmosphere. The zone is more restrictive than a conventional manufacturing zone to provide for architectural excellence and attractive landscaping. This zone is to be characterized by attractively designed buildings and off street parking lots situated among landscaped grounds, with a park like appearance surrounding the buildings and the parking areas.

M-2 Zone: To provide space for small warehousing, light manufacturing, fabrication, wholesaling, service and other similar commercial establishments which are combined with manufacturing or warehousing uses and to locate these establishments in a location compatible with one another and where they are convenient to the commercial areas in the City of Kanab.

M-3 Zone: To provide space for large warehousing, heavy manufacturing, fabrication, milling, forging, or heavy grinding of parts or similar manufacturing operations which are combined with heavy manufacturing or warehousing uses and to locate these establishments in a location compatible with one another and separated from less intensive zones.

Section 23-2 Permitted and Conditional Uses

(See Land Use Chart at the end of this chapter)

Section 23-3 Height Regulations

Building and structures shall have a height not greater than allowed by ordinance. Within one hundred (100) feet of the boundary of any adjoining zone no building shall exceed a height limit established for main buildings in such adjoining zones.

Section 23-4 Area, Width, and Yard Regulations

None, except for any parcel in the Manufacturing Districts having a lot line in common with a lot in an adjoining zone, the front, side and rear yards as prescribed for such adjoining zone shall be maintained in the Manufacturing Districts.

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MANUFACTURING ZONES

Section 23-5 Modifying Regulations

1. All processing assembly of goods shall be conducted completely within a building that is enclosed on all four (4) sides, unless otherwise specified by conditional use permit.
2. All buildings which house the processing and/or assembly of goods shall be located not less than one hundred (100) feet from any residential zone boundary.
3. Outdoor storage of materials or semi-finished or finished goods shall be located not less than one hundred (100) feet from any residential zone boundary. All storage areas shall be enclosed by a solid six (6) foot fence or wall in a manner that such materials shall not be visible from any point beyond the boundaries of the property.
4. Limitations of Buildings Used For Retail Businesses.
 - a. Findings. The Kanab City Council makes the following findings:
 - i. One main intention of the Kanab City Council is limiting the gross floor area of buildings used for retail business is to incorporate those goals and directives of the Kanab City General Plan, including but not limited to those specific directives and provision which identify the importance of and intentions surrounding the City Center addressed in said General Plan.
 - ii. The Kanab City Council adopted the Kanab City General Plan to guide direct future development and land use decisions in Kanab City.
 - iii. The Kanab City Council evidences the community's goals and objectives for the future of Kanab City and identifies the old town as the heart of the community and makes the development and preservation of the City Center critical to the General Plan's vision for Kanab City's future.
 - b. Gross Floor Limitation Zone. Retail establishments shall not exceed 40,000 square feet of gross floor area within the Zone. No retail establishment shall be permitted to place any one building or any combination of buildings that exceed 40,000 square feet within said Zone. In no event shall any retail establishment, corporation, business, or entity have one or more buildings on adjoining parcels wherein the building or buildings would exceed a total of 40,000 square feet. Attempts to circumvent or exceed this maximum 40,000 square feet shall be strictly prohibited except as allowed in a CPD Zone.
 - i. **Definitions.** The following definitions shall apply to this section:

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MANUFACTURING ZONES

Retail Establishments - Retail business or businesses, conducted in two or more buildings where the retail business or businesses:

1. are engaged in the selling of similar or related goods, wares or merchandise, and operate under Common Ownership or Management, or
2. share check stands, storage facilities, a warehouse, or a distribution facility, or
3. otherwise operate as associated, integrated or cooperative business enterprises under Common Ownership or Management.

Combination of Buildings - Two or more buildings that are on adjoining parcels as measured from the outside exterior wall of two of the buildings.

Common Ownership or Management - Owned, leased, possessed, managed or otherwise controlled in any manner, directly or indirectly, by the same individual(s) or entity(ies) including but not limited to corporation(s), partnership(s), limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies).

Gross Floor Area - the sum of:

1. the total horizontal area, in square feet, of all floors of a building, as measured at outside the exterior walls and excluding all interior courtyards as described below; and
2. the total horizontal area, in square feet, of all floors of all portions of the site outside of the exterior walls of buildings used for the display, storage, or sale of any goods, ware or merchandise.

For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.

Retail Business - A business engaged in the sale of

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MANUFACTURING ZONES

goods to individual consumers, usually in small quantities and not to be placed in inventory for resale.

1. A Retail Business does not include:
 - a. health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or
 - b. a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owner by or operated strictly for the benefit of the public

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MANUFACTURING ZONES

CITY OF KANAB

Uniform Zoning Ordinance

LAND USE CHART INDUSTRIAL	ZONES		
	M1	M2	M3
Adult Entertainment/Retail	-	-	C
Aerospace Equipment	C	P	P
Agricultural Crop Sales (Farm Only)	-	C	P
Airport and Facilities	-	C	C
Airport Support Facility	C	C	C
Amusement Park	-	C	C
Antique / Secondhand Store	P	-	-
Apparel / Accessory Store	P	-	-
Apparel / Textile Products	C	P	P
Arcade (Games/Food)	P	-	-
Auto / Boat Dealer	P	P	P
Auto Rental / Sales	P	P	P
Auto Repair	P	P	P
Auto Service	P	P	P
Auto Supply Store	P	P	P
Auto Wrecking	-	-	C
Batch Plants	-	-	C
Beauty Salon	P	-	-
Biomedical Product Facility	C	P	P
Cemetery	P	P	-
Chemical / Petroleum Products	-	C	P
College / University	P	C	-
Commercial / Industrial Machinery	-	P	P
Commercial Marine Supply	P	P	P
Communications Facility	P	P	P
Computer / Office Equipment	P	P	P
Conference / Convention Center	P	C	-
Construction / Trade	P	P	P

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LAND USE CHART INDUSTRIAL	ZONES		
	M1	M2	M3
Church	P	C	-
Day Care I (under 6 children)	P	-	-
Day Care II (over 6 children)	P	-	-
Department / Variety Store	P	-	-
Drive-In Theater	-	C	C
Drug Store	P	-	-
Dry Cleaner	P	P	-
Electronic Assembly	P	P	P
Elementary - Jr. High	C	C	-
Espresso Stand	P	-	-
Fabric Store	P	-	-
Fabricated Metal Products	-	C	P
Fast Food/Restaurant	P	C	C
Financial Institution	P	-	-
Florist Shop	P	-	-
Food Processing	-	C	P
Food Store	P	-	-
Forest Products	-	P	P
Funeral Home/Crematory	P	P	-
Furniture / Fixtures	P	P	P
Furniture Store	P	-	-
Gasoline / Service Station	P	P	P
General Repair	C	C	P
Golf Course	P	P	-
Hardware / Garden Material	P	P	P
Health Club	P	C	-
Heavy Equipment Rental and Repair	-	C	P
High School	C	C	-

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LAND USE CHART INDUSTRIAL	ZONES		
	M1	M2	M3
Hobby / Toy Store	P	-	-
Hospital	P	-	-
Hotel / Motel and Associated Uses	P	-	-
Jewelry Store	P	-	-
Kennel/Public	C	C	C
Landscaping Business	-	P	P
Laundromat	P	P	-
Library	P	-	-
Liquor Store	C	C	C
Medical / Dental Lab	P	P	-
Media Material	P	P	-
Misc. Equipment Rental Facility	-	P	P
Miscellaneous Health	P	P	-
Misc. Light Manufacturing	C	P	P
Motor Freight Repair	-	P	P
Museum	P	-	-
Office / Outpatient Clinic	P	-	-
Off-Site Hazardous Waste Treatment and Storage Facilities	-	-	C
Paper Products	C	P	P
Park	P	P	-
Pet Store	P	-	-
Photographic and Electronic Store	P	-	-
Police / Fire Facility	P	P	P
Printing / Publishing	P	P	P
Primary Metal Industry	-	C	P
Professional Office	P	P	-
Public / Private Parking	P	P	P
Public / Private Stable	-	C	P

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CITY OF KANAB

Uniform Zoning Ordinance

LAND USE CHART INDUSTRIAL	ZONES		
	M1	M2	M3
R and D / Testing	P	P	P
Recreational Center	P	P	-
Recycling Products	-	C	P
Residential Incidental to the Primary Use of the Business	C	C	C
Retail Food Shop	P	P	-
Rubber / Plastic / Leather / Mineral Products	-	C	P
Secure Community Transition Facility	-	C	C
Self-Service Storage	C	P	P
Social / Public Agency offices	P	-	-
Specialized Instruction School	P	P	C
Sporting Goods and Related Stores	P	-	-
Stadium / Arena	-	C	P
Tavern	-	C	C
Textile Mill	-	P	P
Theater	P	P	-
Tire Re-treading	-	-	C
Towing Operation	-	P	P
Truck Terminal	-	P	P
Utilities / Substation	C	C	C
Veterinary Clinic / Large Animal	-	C	P
Veterinary Clinic / Small Animal	C	C	P
Vocational School	P	C	-
Warehouse / Storage	C	P	P
Winery / Brewery	C	P	P
Wireless Telecommunications	C	P	P
Wood Products	C	P	P

Chapter 24

OVERLAY DISTRICTS

A zoning ordinance which provides for the designation and promotion of four Corridor Commercial areas of Kanab City through overlay zones.

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Uniform Zoning Ordinance

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Section 24-1 Purpose

The purpose of this chapter is to foster a viable downtown as a commercial, civic, and cultural center with its own unique identity by encouraging and promoting compatible design for new construction which creates a cohesive physical image (or visual unity) and blends with surrounding residential and new development areas.

Section 24-2 Findings

The downtown element in the City's General Plan notes that the downtown is a valuable community asset.

The Kanab General Plan suggests consideration of a downtown which maintains its character and appearance. By stressing the streetscape, compatibility of land uses and the need for buffers and transition areas while developing downtown economic niches and new business opportunities, and parking.

Chapter 24

OVERLAY DISTRICTS

Section 24-3 Definitions

The following definitions shall apply to this Chapter:

Downtown District Residential (DD) is a geographically definable area which contains buildings, sites, and objects, or a combination thereof, that contribute to the historic residential downtown preservation goals of the city.

Entry Corridor Protection Overlay (ECPO) is a geographically definable area which transitions with the Transitional Commercial Overlay. The purpose of this overlay is to ensure that the general appearance from the beginning of the overlay to the Transitional Commercial Overlay (TCO) starts to bring focus to the Downtown District.

Downtown Overlay (DO) is a geographically definable area which contains buildings, sites, and objects, or a combination thereof, that contribute to the downtown.

Signage Signs, lettered boards, or other display used to identify or advertise a place of business.

Streetscape Includes buildings, landscaping, lighting, signage, public space, people and traffic.

Transitional Commercial Overlay (TCO) is a geographically definable area which transitions between the Downtown Overlay (DO) and the Entry Corridor Protection District (ECPO) which contains buildings, sites, and objects, or a combination thereof, that contribute to the historic residential downtown preservation goals of the city.

Section 24-4 Districts Established

The overlays shall be shown as an overlay map to the underlying districts with the designation "DO", "TCO", "ECPO" and "DD" on the official overlay maps of the city, as amended. The city overlay map shall clearly delineate the boundaries for areas 1, 2, 3 and 4 as provided in subsections 24-5, 24-6, 24-7 and 24-8 of this chapter. The overlay districts are composed of four (4) overlays.

Section 24-5 Downtown Overlay

1. **Area 1 (DO) Downtown Overlay:** This overlay possesses a cultural, political and social character of local significance unique to the origins of the city (See exhibit A). The boundaries for this area include all parcels 300 feet from front of property line on each side of the following routes:

- a. Along Highway 89 (a.k.a. Center Street, 100 East, 300 West) from 100 South to 100 North.

Section 24-6 Transitional Commercial Overlay

1. **Area 2 (TCO) Transitional Commercial:** The purpose of this overlay is to ensure that the general appearance of buildings, signs and the development of the land create a cohesive physical image which does not impair or detract from the character and appearance of area 1 (See exhibit B). The boundaries for this area include all parcels 300 feet from front of property line on each side of the following routes:

- a. Along 300 West from 100 North to 300 North.
- b. Along Highway 89 (a.k.a. 300 South) from 100 East to 600 East.
- c. Along 100 East from 100 South to SR11.
- d. Along SR11 to Kanab Creek Drive.

Section 24-7 Entry Corridor Protection Overlay

1. **Area 3 (ECPO) Entry Corridor Protection Overlay:** The purpose of this overlay is to ensure that the general appearance from the beginning of the overlay to the Transition Commercial Overlay starts to bring focus to the Downtown Overlay (See exhibit C). To maintain the character of Kanab City as a destination community with breathtaking scenery, all development within the designated entry corridors into Kanab City shall comply with the requirements of this chapter:

- a. Preserve Kanab City's scenic view corridors.
 - b. Preserve and enhance the rural resort character of Kanab City's entry corridor.
 - c. Provide a significant landscaped buffer between Development and highway uses.
 - d. Minimize curb cuts, driveways and access points to highways.
 - e. Allow for future pedestrian and vehicular improvements along the highway corridors.
2. The boundaries for this area include all parcels 300 feet from front of property line on each side of the following routes:
- a. Along Highway 89 (a.k.a. 300 West) from 300 North; North to Kanab City Limits
 - b. Along Highway 89 (a.k.a. 300 South) from 600 East; East to Kanab City Limits.
 - c. Along SR11 to from Kanab Creek Drive; South to Kanab City Limits.

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OVERLAY DISTRICTS

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Section 24-8 Downtown Residential Overlay

1. **Area 4 (DD) Residential Overlay:** This district will be established at a later date.

Section 24-9 Downtown Parking District Established

1. **Area 5 (DPO) Downtown Parking Overlay:** This parking district is created to improve and increase on street parking for the Downtown District and that there should be back lot parking and inter-connection between parcels (See exhibit F). The boundaries for this area include shall the following roadways:

- a. Along Highway 89 (a.k.a. Center Street, 100 East, 200 West) from 200 South to 200 West one (1) block on each side of roadways on each side of said Highway 89.

Section 24-10 Overlays - Relationships to Other Ordinances

1. **Relationship of the Overlay Districts to Other City Ordinances:**
 - a. The requirements of the Overlay Districts supplement all other City ordinances and codes. Whenever there is a conflict between the regulations of this chapter and any other land use chapter or ordinance, the regulations of this chapter shall apply. In case of conflict between the regulations of this chapter and any building code, fire code, or other regulations relating to unsafe structures, equipment, or conditions, the more restrictive shall apply.
 - b. In addition to the land uses allowed in the zoning district underlying the DO, TCO and the ECPO Overlays the following commercial zones will apply:
 - i. C-1 will apply to the DO Overlay District.
 - ii. C-2 will apply to the TCO Overlay District.
 - iii. C-3 will apply to the ECPO Overlay

Chapter 25

AIRPORTS ZONING

A zoning ordinance to control development around the Kanab Municipal Airport.

Adopted January 22, 2008

CITY OF KANAB

Uniform Zoning Ordinance

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Section 25-1 Short Title

This Ordinance shall be known and may be cited as the City of Kanab Airports Zoning Ordinance.

Section 25-2 Definitions

Airport - Kanab Municipal Airport

Airport Elevation - The highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is 4,867 feet MSL as of the date of this ordinance.

Approach Surface - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Transitional, Horizontal, and Conical Zones - These zones are set forth in Section III of this Ordinance.

Appeals Officer - appointed by the Kanab City Council.

Conical Surface - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Hazard to Air Navigation - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

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Heliport Primary Surface - The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Horizontal Surface - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Larger than Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use - Any pre-existing structure, object of natural growth, or use of and which is inconsistent with the provisions of this Ordinance or an amendment thereto.

Nonprecision Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned. It also means a runway for which a nonprecision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.

Obstruction - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 24-4 of this Ordinance.

Person - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

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Structure - An object, including mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Transitional Surfaces - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Tree - Any object of natural growth.

Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures.

Section 25-3 Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces as they apply to the Kanab Municipal Airport. Such zones are shown on the Kanab Airport Part '77' Airspace Drawing consisting of 1 sheet, (see Exhibit H) prepared by Creamer & Noble Engineers, and dated March, 2004 which is attached to this Ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. **Runway Precision Instrument Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach surface expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. The centerline of the approach zone is the continuation of the centerline of the runway.
2. **Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Nonprecision Instrument Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

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3. **Runway Larger Than Utility With A Visibility Minimum as Low as $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

4. **Visual Runway Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach surface expands uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the approach zone is a continuation of the centerline of the runway. This is the existing condition as of the date of this ordinance.

5. **Transitional Zones** - The transitional zones are the areas beneath the transitional surfaces.

6. **Horizontal Zones** - The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

7. **Conical Zone** - The conical zone is established as the area that commences at the periphery of the horizontal zone and extend outward there from a horizontal distance of 4,000 feet.

Section 25-4 Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in the question as follows:

1. **Precision Instrument Runway Approach Zone** - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline..

2. **Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Nonprecision Instrument Approach Zone** - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a

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horizontal distance of 10,000 feet along the extended runway centerline.

3. **Runway Larger Than Utility With A Visibility Minimum as Low as $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone** - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

4. **Visual Runway Approach Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

5. **Transitional Zones** - The transitional zones are the areas beneath the transitional surfaces. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

6. **Horizontal Zone** - Established at 150 feet above the airport elevation or at a height of 5,017 feet (existing conditions) above mean sea level (MSL).

7. **Conical Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (5,017 ft. MSL) and extending to a height of 350 (5,217 ft. MSL) feet above the airport elevation.

Section 25-5 Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

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Section 25-6 Nonconforming Uses

1. **Regulations Not Retroactive** - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

2. **Marking and Lighting** - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City of Kanab to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Kanab Municipal Airport.

Section 25-7 Permits

1. **Future Uses** - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the regulating use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with subsection 25-7-4.

a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

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c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

2. **Existing Uses** - No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. **Nonconforming Uses Abandoned or Destroyed** - Whenever the City of Kanab determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. **Variances** - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Appeals Officer for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance.

Additionally, no application for variance to the requirements of this Ordinance may be considered by the Appeals Officer unless a copy of the application has been furnished to the City of Kanab for advice as to the aeronautical effects of the variance. If the City does not respond to the application within fifteen (15) days after receipt, the Appeals Officer may act on its own to grant or deny said application.

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5. **Obstruction Marking and Lighting** - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as condition may be modified to require the owner to permit the City of Kanab at its own expense, to install, operate, and maintain the necessary markings and lights.

Section 25-8 Enforcement

It shall be the duty of the City of Kanab to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City upon a form published for that purpose. Applications required by this Ordinance to be submitted to the City shall be promptly considered and granted or denied. Application for action by the Appeals Officer shall be forthwith transmitted by the City of Kanab.

Section 25-9 Judicial Review

Any person aggrieved, or any taxpayer affected, by any decision of the Appeals Officer, may appeal to the District Court as provided in Section 3-9, of Chapter 3, of the Uniform Zoning Ordinance of Kanab City.

Section 25-10 Penalties

Each violation of this Ordinance or of any regulations, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than (\$750.00) dollars or imprisonment for not more than (90) days or both; and each day a violation continues to exist shall constitute a separate offense.

Section 25-11 Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.